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THE

HISTORY

OF

ENGLAND,

FROM

THE ACCESSION

OF

KING GEORGE THE THIRD,

TO THE

CONCLUSION OF PEACE

IN THE YEAR

ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE.

By JOHN ADOLPHUS, ESQ. F. S. A.

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REVISED BY THE AUTHOR.

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THE

HISTORY

OF

ENGLAND.

GEORGE THE THIRD.

CHAPTER THE TWENTIETH.

1770—1774.

Affairs of India. — Causes of mismanagement. — Loss of the Supervisors. — Famine in India. — Monopoly. — Extreme distress, and prodigious mortality. — Retention of the sums stipulated by treaties. — Effect of these events in England. — Impotence of the Company. — Difficulties in regulating their transactions. — Their improvidence. — Select committee appointed in the House of Commons. — Increasing distress of the company — They negotiate a loan. — Appoint Supervisors. — Notice of their affairs in the speech from the Throne. — Secret committee appointed. — Select committee continued. — First report of secret committee. — Debate on the motion for a bill to prevent sending out supervisors. — Proceedings of the Directors. — Their petition against the bill. — Burke's speech. — Bill passes the House of Commons. — Opposed in the Lords. — Passed. — Dividends reduced. — Application to Parliament for a loan. — Restrictions on the company. — Leave granted to export tea, duty free, to America. — General regulations. — Opposition to these measures. — Attack on lord Clive. — His defence. — Renewed attack. — Motion of general Burgoyne. — Charge against lord Clive relative to the deposition of Surajah Dowlah. — His defence. — Exculpatory resolution. — Continued rancour against him. — He is ably defended by Wedderburne. — His death. — Contest with the Black Carribs of St. Vincent's. — Early history of the island. — Distinction between Red and Black Carribs. — The French obtain a settlement. — The island ceded to Great Britain. — Proceedings of government. — Conduct of the Carribs. — Mr.

Young's memorial. — Survey ordered. — Proceedings of the commissioners. — Hostility of the Black Carribs. — Their further violences. — Artifices of the French. — Alarms and remonstrances of the planters. — Efforts of the lieutenant-governor. — Orders of government. — Increasing influence of the Carribs. — Representations of the planters to the King. — Deputation of the Carribs to Grenada. — Interview between the British Commissioners and the Carribs. — Treachery of the French. — Remonstrances from the island. — Hostile operations against the Carribs. — Discussion in the House of Commons. — Witnesses examined. — Mr. Townshend's motions. — Termination of the contest. — Increase of pay of captains in the navy. — Bill for relief of dissenters rejected.

CHAP. XX.

1770. Affairs of India.

THE affairs of India now again claimed the attention of the public, and the interference of the legislature: the brilliant prospect exhibited in 1765 was overcast: the accounts from that country presented nothing but rapine, tyranny, and misery: while the finances of the company seemed irreparably deranged, and their trade almost stagnant.

Causes of mismanagement.

The remoteness of the court of directors from the country subjected to their government facilitated abuses, and rendered their commands contemptible and unavailing. Men who became rich by disobeying the orders of their employers, and by a disregard of the ordinary dictates of justice, returned elated with their acquisitions, and not only defied punishment, but their clamours against others, who had shared in or impeded their success, rapidly augmented the wide-spreading and well-founded odium which prevailed against the administration in India.

Loss of the Supervisors.

Fortune also combined against the company: the ship in which the Supervisors sailed, from whose exertions the most beneficial effects were expected, was lost, and no certain accounts ever arrived of the time or manner of the catastrophe: thus, for a time, abuses were suffered to remain uncontrouled, because the operation of the measure intended for suppressing them was suspended, and, while the fate of

the former Supervisors was uncertain, a new appointment could not, with propriety, be made. CHAP. XX.

In the year which succeeded the improvident and ruinous war with Hyder Ally, a great failure was occasioned in the crops of rice, by the uncommon dryness of the season. Notwithstanding the strict prohibitions of the court of directors against the interference of their servants in the inland trade, this opportunity was eagerly seized by interested and unprincipled individuals to enhance the public misery, and accumulate immense fortunes from the groans of famine and despair. When the state of the season made it apparent that the crop of rice would be generally defective, the English capitalists became eager purchasers, and such was the effect of their pernicious industry, that the natives, before they apprehended the extent of their combinations, were already exposed to the pressure of distress, and complained to the nabob that the English had engrossed all the rice. A traffic of unexampled iniquity now began; rice, which had been purchased at a hundred and twenty or a hundred and forty seers [a] for a rupee, was re-delivered to black merchants at the rate of fifteen seers for a rupee, an extortion sufficient to reduce the inhabitants of India, whose chief food is rice, to utter despair; when their distress was increased by the burning of several granaries in which the black merchants had deposited their purchases. The nabob and great men of the country having exhausted their stores in benevolent donations to the poor, and the fields no longer affording the means of subsistence, the cities were thronged with starving multitudes, who in the agonies of death implored a termination of those miseries from which they were not permitted to hope relief. Thousands died daily in the streets; the air

1770. Famine in India.

Monopoly.

April and May.

Extreme distress of the natives.

Prodigious mortality.

[a] A seer is the fortieth part of a maund; a maund an undetermined quantity; in Bengal it is from 72 to 80 pounds; a seer may therefore be estimated about two pounds.

CHAP. XX. 1770.

was infected with the unwholesome exhalation; one hundred men were constantly employed on the company's account in Calcutta, with sledges and other vehicles, to remove the dead, and throw them into the Ganges. Unusual numbers of dogs, jackalls, and vultures flocked to the scene of desolation, and by devouring the dead, added inconceivably to the general horrors of the spectacle. The Europeans, who no longer possessed any great quantity of rice, could not effectually relieve the miserable Gentoos, and were themselves severe sufferers by this unexpected effect of their iniquitous monopoly: the river being filled with human carcasses, fish was no longer considered wholesome food; hogs, geese, and ducks, feeding also on the dead, mutton became the only innoxious aliment, and even this, from the nature of the season, was poor and scarce. Thus were the miserable natives harassed and destroyed, till means could be adopted for facilitating their subsistence till the next harvest; and thus, by the act of interested individuals, transgressing no less the orders of their employers than the laws of humanity, was an unmerited reproach entailed on the British name. The company, far from being benefited, was irreparably injured by these iniquities, which tended only to the aggrandizement of speculators, who acquired unlimited wealth, while the coffers of the directors remained empty, and their best hopes were frustrated. [b]

Retention of the sums stipulated by treaties.

No spirited or general measure was attempted for the purpose of restoring order to government, and plenty to finance; but petty resumptions, and violations of the treaty of 1765, were considered as the means of repairing the deficiency which threatened ruin. With this view, orders were issued by the select committee, for their resident to withhold at least thirty lacks from the tribute and other allow-

28th May 1770.

[b] Account of the late dreadful famine in India. — Transactions in India, chap. v.

CHAP. XX.

ances, so that the receipts might bear some proportion to the disbursements. [c]

1770.

It was not possible for the British nation to behold this progress of iniquity and calamity without sentiments of anxiety and terror. The East India company was no longer a firm of merchants, trading on a private capital to a distant shore; the possessions in India were not simply beneficial appendages connected with the empire: but such was the intermixture of their revenues with the public finance; such the intimate intertexture of their commerce with the property and welfare of the state; such the union of interest and co-existence of the company with government, that its ruin was regarded as portending downfal to the whole edifice of the British empire. [d]

Effect of these events in England.

The company could not, by themselves, or the utmost exercise of any authorities with which they were invested, remedy the growing evils. They were, in fact, without importance in affairs over which they nominally presided. Radical defects in their very institution; their distance from the scene of action; their being individually called from narrow and confined occupations to the extensive field of political management; their fugitive authority, the duration of which was merely sufficient for the communication of orders; and their want of acquaintance with the peculiar circumstances of the regions committed to their superintendance, rendered them liable to be deceived, diminished their importance, and frequently sanctioned a disregard of their commands. It too often happened that a seat in the court of directors was solicited merely as a source of patronage, as the means of providing for relations and dependants, and while these motives were easily discernible, the behests of such

Impotency of the company.

[c] Bengal select consultations. It is to be observed, that on the death of Najim ul Dowlah (8th May 1766) the allowance to the Nabob was reduced from 55 lacks to 41 lacks, 81,131 rupees a year.

[d] The right, interest, and duty of government, as concerned in the affairs of the East Indies, by governor Pownall, p. 4.

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masters, delivered in pompous diction, and with the insolence of despotic power, met with little regard from those to whom they were addressed, and who, in fact, only obeyed them when they accorded with their own views. Those who returned enriched from India, and obtained seats at the board, made use of their authority in procuring their own immunity, and in protecting and supporting the friends whom they had left employed in the attainment of a surreptitious and exorbitant fortune. [e]

Difficulties in regulating their transactions.

The present state of the company was a difficult problem in government; their charters guarantied both their authorities and possessions; but it was obvious, that neither such possessions, nor such authorities, were in view when the charters were granted, nor were they compatible with the nature of government, or supported by any precedent in ancient or modern history. On general principle, their possessions, in the exclusive sense, were not tenable [f]; yet as they were gradually acquired, and the claims of the company were sanctioned by official acts of state [g], any attempt to disturb them could not fail of being regarded with jealousy and apprehension.

Improvidence of the company.

But the time was now arrived, when the active exertion of government became necessary. Malversation had grown to a most awful extent: the company, with thoughtless prodigality, plunged into unlimited expences; they disbursed, for fortifications alone, 3,728,552*l* [h]; and, although incapable of performing their existing engagements, declared very high dividends; while the factions which rent the India house rather portended a perpetuation of distress,

[e] History and management of the East India company, chap. vi.

[f] In the year 1757, the attorney and solicitor general, Messrs. Pratt and Yorke, united in opinion, that it was not warranted by precedent, nor agreeable to sound policy, nor to the tenor of the charters which had been laid before them, to make a general grant, not only of past but of future contingent conquests, made upon any power, European or Indian, to a trading company. Governor Pownall's pamphlet, above quoted, p. 27.

[g] Particularly during the late treaty of peace at Paris.

[h] First report of select committee. Reports, vol. iv. p. 30.

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through anarchy, than an extrication from difficulty, by vigilance, prudence, and perseverance.

1772. 30th Mar. Select committee appointed in the house of commons.

In the late session, a bill was proposed, for regulating the servants and court of judicature of the East India company. This measure originated in the India House, the motion was made by Mr. Sullivan, deputy-chairman of the court of directors, who stated, that the bad prospect of affairs in India was occasioned by the want of power in the directors to punish their servants for disobedience or mal-practices. The enormities complained of, he said, arose from the solecism in politics, that the governors of a country were allowed to act as merchants, which gave birth to an odious and destructive monopoly. The bill, after some opposition, was brought in, but did not pass; but as one of the great objections against it was the want of due information, a select committee of thirty-one members was appointed[i], on the motion of colonel Burgoyne, to inquire into the nature, state, and condition of the East India company, and of the British affairs in the East Indies. 13th Apr.

Increasing distress of the company.

During the recess of parliament, the distress of the company was considerably augmented; the inconveniences resulting from misconduct became pressing, and increased, in an alarming degree. The treasury was empty, and accepted bills, to an amount exceeding a million sterling, were nearly payable; the company was indebted to the bank for cash advanced, to the revenue for custom-house duties, and to the treasury for the annual stipulated payment, as well as on an agreement respecting an indemnification for teas, which was attended with great loss.[k] They were beset with these and many other de-

[i] The committee consisted of the following persons: Colonel Burgoyne, Sir William Meredith, Sir George Savile, lord George Germaine, Rose Fuller, F. Vane, Col. Barré, the attorney and solicitor general, lord Howe, Robert Sutton, Thomas Pitt, Welbore Ellis, Sir Gilbert Elliot, George Rice, Pultney, C. J. Fox, Cornwall, lord Folkstone, general Conway, Hotham, H. Ongley, G. Johnstone, alderman Trecothick, Edward Bacon, A. Curzon, Sir John Turner, captain Phipps, Mr. Gregory, lord Clive, and Mr. Strachey: any seven to be a committee.

[k] Annual Register 1773, p. 67. History of lord North's Administration, p. 85.

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mands, while the intelligence from India presented no consolatory prospects. [l]

1772. They negotiate a loan.

Distracted with internal dissensions, and alarmed at the disposition manifested by government to interfere decisively in the arrangement of their affairs, fear and jealousy were conspicuous in all their proceedings. They were, however, obliged to negotiate with the ministry for a loan, to answer their immediate exigencies; yet, as if anxious to show an independence in authority which they no longer possessed the means of retaining, they rashly proceeded to nominate a fresh committee of supervisors for India. [m]

23d Oct. Appoint supervisors.

The first lord of the treasury received their application for a loan with haughty reserve, and referred them to parliament, the meeting of which being intended for an early day, no measures were pursued for giving effect to the vote for new supervisors.

26th Nov. Notice of their affairs in the King's speech.

In this speech from the throne on opening the session, the King said, "It is impossible that I can look with indifference upon whatever concerns either the commerce and revenue of the kingdom at large, or the private rights and interests of considerable numbers among my people; neither can I be insensible how materially every one of these great objects must be interested in the maintenance of the credit and prosperity of the East India company. When, therefore, I received information of the difficulties in which that company appear to be involved, I determined to give you an early opportunity of informing yourselves fully of the true state of their affairs; and of making such provisions for the common benefit and security of all the various interests concerned, as you shall find best adapted to the exigencies of the case."

[l] They suffered a severe loss by the blowing up of a powder magazine at Trichinopoly, which occasioned a grievous and extensive destruction of lives and property.

[m] The persons nominated were lieutenant-general Monckton, George Cuming, William Devaynes, Peter Lascelles, Daniel Wier, and Edward Wheeler, esqrs.

1772.

In the debate on the address, the subject came immediately under discussion, and as soon as that was voted, lord North moved for a secret committee of thirteen members, chosen by ballot, to take into consideration the affairs of the company, which was agreed to without a division[n]. This committee was furnished with full powers, and particularly instructed to take into consideration the measure of sending out supervisors. The select committee of the preceding year, some members of which thought their labours too slightly regarded by the new nomination, was also revived.

Secret committee appointed.

30th Nov.

Select committee continued.

The secret committee proceeded in their business with extraordinary dispatch, and in seven days after their appointment, presented a report on the proposed measure of sending out supervisors, recommending a bill to prevent its being carried into effect.

First report of the secret committee.

Mr. Harley having delivered this report, as chairman of the committee, immediately proposed to bring in the bill; the rapidity with which the report was prepared, and the unexpected manner in which it was introduced, did not escape animadversion. Several directors, who were members, contended that the report was unconstitutional and unnecessary, as the expence attending the commission was not yet ascertained, and the directors had resolved to suspend their proposed measure until the determination of parliament should be known. Lord North, reasoning from analogy, and a comparison of the charges of the late commission of supervisorship with the present, inferred, that the expence could not be less than 120,000*l.* a year, and Mr. Wedderburne shewed the futility of the supposed promise of the court of directors. It was not in

7th Dec. Debate on the motion for a bill to prevent the sending out supervisors.

[n] The members were Alderman Harley, chairman, (whose great uncle, the first earl of Oxford, was an arbitrator chosen to adjust the interests of the two East India companies, when they were united in 1701) lord Frederick Campbell, lord Palmerstone, Mess. Rigby, Stanley, Jenkinson, Jackson, Fitzpatrick, Burrel, Ryder, Walpole, Eames, and Gilbert.

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their power, he said, to keep their engagement; they were inferior to a general court, and if, on the recess of parliament, a general court were called, a ship might be ordered, and the supervisors many leagues at sea before the houses were again assembled: in such a case, not the promise of the directors, not even the opinion of the two Houses, nothing but an act of parliament could be a sufficient guaranty. Mr. Burke treated the proposed measure as an invasion of the company's charter, and a direct infringement of the law of the land. In ridicule of the secret committee, he said, "Here is a committee appointed last year; a fair and open committee which has produced nothing. This was a lawful wife publicly avowed; but finding her barren, they have taken a neat little snug one, which they call a secret committee: and this is her first-born. Indeed, from the singular expedition of this extraordinary delivery, I am apt to think she was pregnant before wedlock." Continuing in the same vein of pleasantry, intermixed with more solid argument, he observed, "If we suffer this bill to pass, we shall, in fact, become the East India company; and you, Sir, will be seated in that chair, with a little hammer, by an inch of candle. The treasury bench will be the buyers, and on this side we shall be the sellers. The senate will become an auction-room, and the speaker an auctioneer!" The motion was however adopted[o], and in three days afterward, the bill was introduced.

10th Dec.

Proceedings of the directors. 1st Dec.

The directors were not so depressed by untoward circumstances, as to survey these proceedings with indifference. On the appointment of the secret committee, a general court resolved to petition against the right, which was claimed by parliament of inspecting their books; but the rapid proceeding of the committee having frustrated that intention, they

[o] 114 to 45.

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1772. 14th and 18th Dec. Their petition against the bill.

were now heard by counsel against the bill. Their petition, however, did not appear entitled to much attention, it was feebly composed, and signed by no more than fourteen proprietors of stock. They urged, as their grand point, that the malversation in India being enormous in its amount and extent, the saving which might accrue to the company by a commission of honest and able men, would be so great as to render the expence of trivial importance; but they failed in proving that the company possessed sufficient authority over their servants in India to restrain those abuses which by long forbearance were grown inveterate. The increase of these mal-practices was clearly demonstrated; and the odious means used to oppress the natives, without benefit to the company, fully displayed: but it was not advanced that any powers, delegated by the company alone, could be sufficient to remedy the evil, which was more likely to infect the supervisors themselves, than to be removed by their exertions. Mr. Burke spoke with his accustomed wit and eloquence; and displayed (to use the words of an anonymous author) all those rare qualities of the head and heart, with which he was so eminently gifted[p]. He inveighed, with severity against the conduct of ministers, who, since the year 1767, had been receiving from the East India company four hundred thousand pounds per annum, and yet conniving at their notorious mal-administration, for the purpose of subjecting them so entirely to their own mercy, that they might plunder their property, and invade their chartered rights without fear or scruple. Alluding to the dilatoriness of the select, and the extraordinary dispatch of the secret committee, he said, "One has been so slow in its motions that the company have given up, long since, all hopes of redress, from them; and the other has proceeded altogether as rapidly; so that no one

Burke's speech.

[p] History of Lord North's Administration, p. 92.

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knows where they will stop. Like the fly of a jack, the secret committee has gone round, hey go mad! the select committee has moved like the pondrous lead at the other end; and in that manner have they roasted the Indian company." The reasonableness and absolute necessity of the proposed restrictions were, however, too evident to be removed by rhetorical ingenuity, and the motion for the third reading of the bill was carried by a majority, exceeding five to one. [q]

Bill passes the Commons.

Opposed in the house of lords.

In the upper house, the bill was principally opposed by the duke of Richmond, who as a proprietor of stock, was also conspicuous at the India house in resisting the measures of government. A petition was offered against the third reading, similar to that which was presented to the House of Commons, and the same counsel heard, and evidence examined [r]. The debate was not distinguished by a great display of talent: the motion for the third reading was carried [s], and a protest, not remarkable for argument or ingenuity, signed by five peers, was entered on the journals.

23d Dec. Petition.

Bill passed. 29th Dec.

Dividends reduced.

During the recess, the court of directors adopted a measure which prudence and integrity ought to

[q] 153 to 28.

[r] From the statements made to the house, it appeared that the net duties paid to government of 1,000,000*l.* per annum, the indemnity upon tea, and the 400,000*l.* paid to government, amounted in the whole to an annual sum little short of 2,000,000*l.* That the company lost by the indemnity agreement, since its commencement, at least 1,000,000*l.* of which 700,000l. was to be paid to government, and 300,000*l.* to the purchasers. That the sale of 31,000,000. pounds of tea, sold in the last five years, produced a sum less by 100,000*l.* than 21,000,000 pounds sold in the preceding five years: from which, it appeared, the company suffered a total loss of 100,000*l.* and 10,000,000 pounds of tea. That government had profited by the company, within the last five years, 3,395,000*l.* that is to say, 2,200,000*l.* being the produce of five years and a half of the 400,000*l.* per annum which the company stipulated to pay, and 1,195,000*l.* increase of the revenue on that branch, compared on a medium of the preceding five years. That the company's whole receipt of dividend, during the same period, was short of 900,000*l.* above six per cent. the lowest trading dividend in time of war; and on the whole, that the mercantile profits being on an average 464,000*l.* per annum during the above period, they would afford a dividend of twelve and a half per cent. from whence it was evident that government reaped an advantage of 3,395,000*l.* and the company or proprietary not a single shilling.

[s] Contents 26—Non-contents 6.

have suggested at an earlier period: they reduced their dividend to six per cent. This palliative, for it was no more, could not however restore order to their finances; and the court, feeling the necessity of an application to parliament for a loan, endeavoured first to learn from the minister the general plan he intended to propose for the mutual good of the public and of the company. To the message which conveyed the request of information, Lord North declined any reply, and the general court was obliged to pass a vote, that application should be made to parliament for a loan not exceeding 1,500,000*l.*, for four years, at four per cent. with liberty to discharge the debt, by payments of three hundred thousand pounds each.

12th Feb. 1773.

24th Feb. Application to parliament for a loan.

In pursuance of this resolution, a petition was presented to parliament, proposing that the company should not make a dividend of more than six per cent. until one-half of the proposed loan was discharged: that the surplus of the net profits arising in England above that dividend, should be appropriated to the payment of the company's bond debt, until it was reduced to a million and a half; and thenceforward the surplus profits should be equally divided between the public and the company. It was further requested, that the company should be released from the heavy penal interest incurred by non-payment of money due in consequence of the late acts for indemnities on teas, and also discharged from the annual payment of four hundred thousand pounds to the public, for the remainder of the five years specified in the agreement. Lord North, in a committee of the whole house, after exculpating government from many insinuations respecting the payment of four hundred thousand pounds a year, moved a series of resolutions, which establishing the necessity of parliamentary assistance, and the propriety of a loan, ordered a supply of 1,400,000*l.* with a proviso that due care

2d March. Petition.

9th March. Lord North's motion.

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should be taken to prevent the recurrence of similar exigencies.

23d March. Restrictions on the company.

The regulations intended to produce this effect were, a restriction from making a greater dividend than six per cent. till the loan should be repaid; from augmenting their dividend to a greater amount than seven per cent. till their bond debts should be reduced to a million and a half; and no larger dividend than eight per cent. was to be allowed, until a participation of profits between the public and the company should take place; which participation was thus defined; after payment of the required loan, and the reduction of their bond debt to 1,500,000*l.* three-fourths of the net surplus of the territorial revenues of the company, to be paid into the exchequer, and the remaining one-fourth set apart, as a fund for discharge of contingent exigencies.

8th April.

26th April. Leave granted to export tea duty free to America.

Lord North afterward moved, that the company should be permitted to export tea duty free to America; a permission deemed highly beneficial, as seventeen millions of pounds were then in the warehouses; and finally he proposed his great plan for regulating the company's affairs, as well in India as in Europe, the outline of which was, that the court of directors should be elected for four years, six members annually, but none to hold their seats longer than four years: no person to vote at the election of directors who had not possessed his stock twelve months; the qualification instead of five hundred pounds to be one thousand. That the jurisdiction of the mayor's court at Calcutta should be confined to small mercantile causes, to which alone it extended before the territorial acquisition; in lieu of this court a new one was established, consisting of a chief justice and three puisne judges, appointed by the crown; and a superiority was given to the

General regulations.

presidency of Bengal, over the other presidencies in India.[t]

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These resolutions gave rise to many animated debates, in which the rights of the crown, the chartered privileges of the company, the conduct of ministers, and the expediency of the proposed measures, were severely arraigned, and ably defended. The East India company, the city of London, and the proprietors of stock, exceeding five hundred pounds, but not amounting to a thousand, petitioned against the bill. The company were heard by counsel; and even desired to withdraw their application for relief, declaring they would rather submit to temporary difficulties, than accept a loan on such severe conditions. But these efforts were unavailing: the bill framed in pursuance of the resolutions of the house was approved, and, on the third reading, passed by a large majority [u], the blanks being filled up with the names of Warren Hastings, esq. governor-general; and lieutenant-general Clavering, the honourable George Monson, Richard Barwell, and Philip Francis, esqrs., as counsellors for the presidency of Bengal.

Opposition to these measures.

28th May.

10th June.

In the house of lords, the bill also met with strenuous opposition, and occasioned two protests, signed by seven and by thirteen peers.[w]

In the lords.

In the course of the debates on India affairs, many reflections were made on the character and conduct of lord Clive. While the bill brought in by Mr. Sullivan was before the House, his lordship in a long and eloquent harangue, defended himself against the aspersions with which the press then teemed. His exculpation extended only to the transactions of his last government: he depicted, with force and truth,

Attack on lord Clive.

30th Mar. 1772.

His defence.

[t] The salaries of the judges were fixed at 8000*l.* to the chief justice, and 6,000*l.* a year to each of the others. The governor-general was allowed 25,000*l.* a year, and the members of the council 10,000*l.* each.

[u] 131 to 21.

[w] The report of these proceedings is extremely imperfect in Debrett's debates; but I have been materially assisted by consulting the history of lord North's administration.

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the felicities of his situation, and the total want of any motive to stimulate avarice or ambition, when, in a precarious state of health, he abandoned his home, his relations, and his ease, to visit a distant and insalubrious clime, on the invidious task of reformation. He stated the difficulties in which he was involved from the insincerity of the court of directors in wording his instructions; how easily he might have added to his fortune, by conniving at, and participating in, the abuses he was commissioned to restrain, or have consulted his own ease, by resigning himself to the indolence of despair. He, on the contrary, had pursued an intricate path, beset with difficulties and dangers; the welfare of the company required vigorous exertion, and he took the resolution of cleansing the Augean stable. "It was that conduct," he said, "which has occasioned the scurrility and abuse against me, with which the public papers have been filled ever since my return. That conduct occasioned these charges; but that conduct enables me now, in day of judgment, to look my judges in the face — That conduct enables me now to lay my hand on my heart, and most solemnly declare to this House, to the gallery, and to the world at large, that I never, in a single instance, lost sight of what I thought the honour and true interest of my country and the company; I was never guilty of any acts of violence or oppression, unless the bringing offenders to justice can be deemed so; an idea of extortion never entered my mind; I did not suffer those under me to commit any acts of violence or oppression: my influence was never employed for the advantage of any man, contrary to the strictest principles of honour and justice; and, far from acquiring personal benefit by the expedition, I return to England less opulent by many thousand pounds."

His lordship then defended himself on the several specific charges of monopolies in cotton, diamonds, salt, beetel-nut, and tobacco; of frauds in the ex-

change and gold coinage, and of taking presents from Mir Jaffier. Of all these accusations, he shewed the futility and want of foundation; and particularly, as to the last, he proved, that instead of receiving money from the nabob for his own use, he converted a legacy, amounting to seventy thousand pounds, together with forty thousand more, which he prevailed on the nabob to bestow, to the purpose of establishing a military fund for the relief of invalid officers and soldiers, and the support of their widows.

But the most interesting part of Lord Clive's defence was that where he analized the state of India, and described those enormities which degraded the British name, and impoverished the company, while individuals were suddenly enriched, and the natives grievously oppressed. The germ of the evil was truly and forcibly displayed in the animated portrait which he gave of a young adventurer first seeking the shores of Asia. "Let us for a moment," he said, "consider the education of a youth destined for India. The advantages arising from the company's service are now generally known; and every man is desirous to get his son appointed a writer to Bengal; which is usually at the age of sixteen. His parents and relations represent to him the certainties of making a fortune, inflaming his ambition by reference to peers and commoners, who have amassed great treasures in short periods. Thus are their principles early corrupted; and, as they generally go in considerable numbers, they mutually inflame their expectations to such a degree, in the course of the voyage, that before their arrival the period of return is fixed. Let us now view one of those writers arrived in Bengal, and not worth a groat. As soon as he lands, a banyan, possessed perhaps of one hundred thousand pounds, desires he may have the honour of serving this young gentleman at four shillings and sixpence per month. The company has provided chambers for him, but they

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are not good enough; the banyan finds better. The young man, in walking about the town, observes that other writers, arrived only a year before him, live in splendid apartments, or have houses of their own, ride upon fine prancing Arabian horses, and in palanquins and chaises; that they keep seraglios, make entertainments, and treat with champaign and claret. When he reports his observations, the banyan assures him he may soon arrive at the same good fortune; furnishes him with money, and acquires over him absolute power. The advantages of the banyan advance with the rank of his master, who in acquiring one fortune, generally spends three. But this is not the worst; he is in a state of dependence on the banyan, who commits acts of violence and oppression, under the pretended sanction and authority of the company's servant. And hence arises the clamour against the English gentlemen in India."

Lord Clive, in conclusion, exhibited, in detail, all the advantages to be derived from the situation of the English in India; shewed the dangers which menaced their prosperity, and indicated the means of avoiding them; he displayed the utility of his own reforms, and demonstrated that a temperate pursuit of a similar system was alone requisite, to render the British empire in Asia permanent, honourable, and advantageous.

Reply.

A reply was made by Governor Johnstone, but the effect of Lord Clive's speech was not materially diminished; it was regarded as a complete exculpation, and a noble lesson of political wisdom.

Renewed attack on Lord Clive.

The system of persecution against Lord Clive did not here terminate, but his last government was no longer the object of attack; it was thought proper to recur to a more distant period; to the deposition of Surajah Dowlah in 1757.[x]

[x] See Smollett's continuation of Hume, vol. iv. p. 116.

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1773. 30th Mar. 1773.

The examination of evidence before the select committee introduced the discussion, and the opponents of Lord Clive seized the favourable opportunity of attempting to turn to his prejudice and disgrace those very circumstances of his life from which he derived the greatest honour.

8th April. Third report of the select committee.

General Burgoyne, on presenting the third report of the select committee, declared it contained an account of crimes shocking to human nature. He first moved some general propositions affirming that all acquisitions made under the influence of a military force, or by treaty with foreign powers, do of right belong to the state; that to appropriate acquisitions obtained under the influence of a military force, or by treaty with foreign powers, to private use, is illegal; and that great sums of money had been obtained by such means from the sovereign princes in India. These resolutions were carried, though not without considerable opposition.

21st April. General Burgoyne's motion;

On a subsequent day, General Burgoyne returned to the subject, and directed a motion personally against Lord Clive, which was supported by Sir William Meredith, and resisted by Mr. Wedderburne, who ably exposed the impropriety of accusing an individual of delinquency, on the bare report of a select committee. The motion was not then discussed on its merits, but it was ordered that evidence should be heard at the bar.

3d May; and charge against Lord Clive.

When information had been thus obtained, General Burgoyne, after recapitulating the facts disclosed, said, he regarded the deposing of Surajah Dowlah, and the revolution in favour of Mir Jaffier, as the origin of all those evils which operated to the temporary distress, if not total destruction of the company; he enlarged upon the perfidy employed to bring about that revolution; stated the fictitious treaty, forged in order to elude the payment promised to Omichund (a black merchant and confident of Surajah Dowlah, whom Lord Clive and the select

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committee in India prevailed upon to join in a scheme to dethrone his master): exposed the conduct of Lord Clive, in causing admiral Watson's name to be signed, contrary to the admiral's express inclination, to this treaty; and added, that the perfidy toward Omichund was of the blackest dye. He concluded with moving, that Robert "Lord Clive, about the time of deposing Surajah Dowlah, nabob of Bengal, and establishing Mir Jaffier on the musnud, did, through the influence of powers with which he was entrusted, obtain, under various authorities, sums amounting to two hundred and thirty-four thousand pounds, and in so doing, abused those powers, to the evil example of the servants of the public." Some amendments were moved, and in the debate, Lord Clive made a masterly defence of his conduct.

His defence.

He investigated, with minutenes, the reports of the committees, so far as they applied to him, and in answer to the surmises attempted to be established, read irrefragable documents, proving the manner in which his conduct was viewed at the time, and by those who were best qualified to judge. They consisted of the nabob's letters to him, as president of the select committee, the committee's letter to the directors, and finally, the letter of approbation from the directors to him. He shewed the remissness of former administrations in neglecting the affairs of the East India company, and pointed out the personal malevolence which produced this untimely and unfounded crimination. "The directors," he said, "for two years past, either through ignorance or design, had kept the affairs of the company a secret; they had rioted at taverns, dissolved in dissipation and luxury, but entirely neglected their duty, employing a man to think for them, to whom they allowed four hundred pounds per annum; hence many of their orders were so absurd and contradictory, that their own servants were almost justified in refusing obedience."

His Lordship then exposed the invidious manner in which the committees pursued their inquiries, limiting them entirely to his conduct, instead of exploring subjects of general utility; he was examined before them, he said, more like a sheep-stealer than a member of their own house. He vindicated the receipt of presents, as being, at that time, perfectly legal, and universally practised; and proved, that if avarice had been his passion, he could have realized a fortune too great for a subject.

He entered into a detail of all the transactions in which he was engaged; and after displaying the desperate situation of the company's affairs, when it pleased God to make him the instrument of their delivery, related the circumstances of the fraud practised on Omichund. "We soon discovered," he said, "that Surajah Dowlah only waited for the departure of the fleet to exterminate the English. But the nabob, like other treacherous men, was surrounded by persons of the same cast and disposition. Omichund, his confidential servant, told his master of an agreement made between the English and Monsieur Duprée to attack him, and received for that advice four lacks of rupees. Finding this to be the man in whom the nabob entirely trusted, we considered him as a most material engine in the intended revolution. We therefore made such an agreement as was necessary for the purpose, and entered into a treaty with him to satisfy his demands. When all things were prepared, and the evening of the event was appointed, Omichund applied to Mr. Watts, who was at the court of the nabob, insisting on thirty lacks of rupees, and five per cent. on all the treasure that should be found; threatening, unless this demand was immediately complied with, to disclose the plan to the nabob; and that Mr. Watts, with the two other English gentlemen then at court, should be put to death before the morning. Mr. Watts immediately dispatched an express to me at

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the council. I did not hesitate in finding a stratagem to save their lives, and secure the success of the intended event. We prepared another treaty; this was called the red, the other the white treaty. It was signed by every one except admiral Watson, and I should have considered myself sufficiently authorized to affix his name, by a conversation I had with him. His name was, however, subscribed by another person, whether in his presence or not, I cannot say; but I know he thought he had sufficient authority. This treaty was transmitted to Omichund, who did not suspect the stratagem; and success attended the project. The House, I am fully persuaded, will agree, that when the very existence of the company was at stake, and the lives of these people so precariously situated, and so certain of being destroyed, it was true policy and justice to deceive so great a villain." Lord Clive then read letters from admiral Watson and others, fully approving his conduct, and similar papers from the court of directors, who presented him with a sword richly adorned with diamonds, and after highly extolling his proceedings, termed the elevation of Mir Jaffier, a glorious and profitable revolution. In closing this part of his defence, he said, "A late minister, (lord Chatham) whose abilities have been an honour to his country, and whom this House will ever revere, will, I am sure, come to your bar, and not only tell you how highly he thought of my services at the time, but also what his opinion is now."

He complained, that after such certificates, and so merited, he should be brought before the House like a criminal, and the very best parts of his conduct construed into crimes against the state. "I cannot say," he concluded, "that I either sit or rest easy, when I find, that all I have in the world is confiscated, and no one will take my security for a shilling. These are dreadful apprehensions to remain under, and I cannot look upon myself, but as a bankrupt. I have

not any thing left that I can call my own, except my paternal fortune of five hundred pounds per annum, which has been in the family for ages. Upon this I am content to live; and perhaps I shall find more real content and happiness than in the trembling affluence of an unsettled fortune; but, if it should be the case, I have a conscious innocence that tells me my conduct is irreproachable. *Frangas, non flectes.* They may take from me what I have; they may, as they think, make me poor, but I will be happy! I mean not this as my defence. My defence may be made at the bar; but before I sit down I address one request to the House, that, when they come to decide upon *my* honour, they will not forget their own."

Exculpatory resolution.

Having finished his defence, His Lordship quitted the house. A sentence of censure proposed against him was negatived, by a motion for the previous question; and at five o'clock in the morning, on the motion of Mr. Wedderburne, a resolution was passed unanimously, merely asserting the fact of Lord Clive having received the sum of two hundred and thirty-four thousand pounds, with the additional observation, that, at the same time, he rendered great and meritorious services to his country.

10th May. Continued rancour against Lord Clive.

In a subsequent debate, Lord Clive recapitulated the topics contained in his speech of the last session, and exculpated himself from the charges, made through the medium of the press, on his conduct during his last government. After this, he intruded on the House no further, except to rectify a misstatement of some facts, and then, such was the fury of party-spirit, that a member permitted himself to sneer at Lord Clive's former defence, by saying, "the noble Lord was a long speech-maker, and would, perhaps, offer another harangue of two hours and twenty minutes."

The defence of Lord Clive's conduct did not,

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however, rest on himself alone; Mr. Wedderburne, the solicitor-general, displayed an unusual portion of learning, logic, and practical good sense, in his behalf. He reproached the committees with having, instead of an open, liberal, and manly endeavour to bring forward such regulations as would prevent future evils, restricted themselves to a narrow, contracted, invidious attention to the conduct of individuals. He justified the deposition of Surajah Dowlah, on the grounds of justice as well as of policy. Far from admitting that such a transaction was dishonourable to Britain, he claimed the admiration of the historian, who in future times should record, "that a revolution which acquired to the company a dominion, larger, wealthier, and more populous than ever Athens possessed, or than Rome itself, when she had conquered the Italian states; larger than France, and in revenues superior to most of the powers of Europe; that in the career of such conquests, in the midst of such great events, so few actions were to be discovered by the most inquisitive examination (and a more prying one never was known) that reflect dishonour on individuals; none that tarnished the British name." He removed every imputation of blame from the artifice used to circumvent the traitor Omichund, and appealed to the honour and gratitude of the nation, against an attempt to deprive an individual of the remuneration of actions, which had been the admiration of the world; the pride of Britain; the envy of Europe. In answer to the question, Where such oppressions and tyranny were to be found as were practised in Bengal? he said, "In the democratical tyranny of an Athenian mob, envious of every great and noble name, taking off one for his wealth, banishing another for his family, and a third for his fame. This detestable spirit occasioned real tyranny, and we are now following the example."

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Mr. Thurlow, the attorney-general, was on the other side, but the exculpation of Lord Clive appears complete. He committed no illegal act toward his employers; he used no unnecessary cruelty toward those whom he conquered; nor did he, in the pursuit of wealth, avail himself of the means which lay so abundantly before him, to accumulate an enormous mass of riches; the fortune he possessed was undoubtedly ample, but few in his situation would have evinced so much self-denial, as to be satisfied with a first acquisition, when many years of subsequent service afforded opportunities, and a pretence for immense additions.[y]

Contest with the Carribs of St. Vincent's.

The attention of parliament was also engaged, and the public feeling considerably interested, on a contest with the Carribs of St. Vincent's, respecting which, many forcible appeals were directed to the house of commons, and to the nation. To understand this question it will be necessary to recur to a distant period, and examine historically the state of the island.

Early history of the island.

Saint Vincent's, one of the discoveries of Columbus, contains about 84,000 acres, and is twenty-four miles in length, and twelve in breadth. The Spaniards were not sufficiently numerous to attempt obtaining possession, because the Indians, who made it their place of rendezvous in expeditions to the continent, were in great force. These Indians, who are commonly taken for the Aborigines, are denominated

[y] Although, throughout this inquiry, Lord Clive displayed the greatest firmness and magnanimity, his mind never recovered its proper bias. Wedded to glory, and pluming himself upon those actions which had elevated him to an unparalleled degree of fame, and unexampled grandeur of fortune, he could ill brook the necessity of defence, and felt as an ignominy the task of pleading for his character and property. He, upon whose pleasure had so often depended the fate of sovereigns and of states, who might with truth be styled "the setter-up and puller-down of kings," sickened at the recollection of that ingratitude which degraded him to the position of a culprit. A feverish uneasiness took possession of his mind; his feelings becoming daily more agonizing, brought on at length a delirium, one of the paroxysms of which terminated his existence. His death happened the 22d of November 1774. See Biographia Britannica, article Clive.

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red, sometimes *yellow* Carribs[z]. They are described as a mild and moderate race, and of low stature, inhabiting the woods in scattered families, in a state of primitive simplicity, and under a kind of patriarchal government.

Distinction between red and black Carribs.

At a period which cannot be exactly ascertained, but toward the latter end of the seventeenth century, a ship from Guinea, with a cargo of slaves, was wrecked or run on shore; the negroes escaped, and, either by favour or force, established themselves on the island. They were of the Mocoa race; tall, stout, violent, irritable, and crafty. They soon increased their numbers by intermarrying among themselves and with the natives, and began to invade the property of their too-confiding hosts. After a series of struggles, the intruders obtained possession of the most valuable parts of the country, and, by frequent slaughter, reduced the number of their opponents to comparative insignificance. The descendants of these Africans were called *black* Carribs.

The French obtain a settlement.

In 1719, the disputes between the races of Carribs being carried on with great violence, the French inhabitants of Martinique conceived hopes, that by favouring one party, and subduing the other, they might gain possession of the island; they therefore landed a considerable force, and, calling themselves allies of the red Carribs, committed some hostilities on the other party. The expected assistance was however withheld, either through fear or jealousy, and after losing many lives, the French were compelled to make peace. Failing in their hopes of conquest, they succeeded in obtaining an establishment by negotiation, and, from small beginnings, increased their number of settlers to eight hundred whites and three thousand slaves. They did not acquire this

[z] I have adopted the common orthography of this word: it is sometimes spelt Charibb, and Bryan Edwards writes it *Charaibe*.

advantage without many humiliating concessions and mortifying insults; they were obliged to submit, without resistance, to all the caprices of savage licentiousness, to permit the seduction of their slaves, the plunder and burning of their estates, and to compromise with the black Carribs under terms of the most abject and degrading submission[a]. They hoped, by temporizing, to gain an entire ascendancy, and, for that reason, endeavoured to live on amicable terms with the ferocious Carribs, to whom they imparted a small knowledge of the catholic religion, affecting toward them an extraordinary attachment.

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While Saint Vincent's, and other islands inhabited by the Carribs, were thus anxiously coveted by the French, they were no less objects of desire to the English; but after a long and ineffectual contest, it was agreed by the treaty of Aix-la Chapelle, in 1748, that those islands should be considered neutral, the property being vested in the Carribs, but the Europeans subjects retaining their private possessions. Both nations were afterwards dissatisfied with this arrangement, in which, from mutual jealousy, they had conceded their own rights into the hands of a race who were not parties to the contract. In the negotiation of 1762, they adopted a contrary system, and without naming the Carribs, or adverting to their claims, real or imaginary, the islands of Dominica, St. Vincent's, and Tobago, were allotted to Great Britain, while France kept possession of St. Lucia.[b]

Arrangements in the treaty of Aix-la-Chapelle;

at the peace of 1762.

[a] The following instance is given by the Abbé Raynal. "The black Carribs, conquerors and masters of all the leeward coast, required of the Europeans, that they should again buy the lands they had already purchased. A Frenchman attempted to shew the deed of conveyance from a red Carrib; I know not, says a black Carrib, what that paper says; but read what is written on my arrow. There you may see, in characters which do not lie, that if you do not give me what I demand, I will go and burn your house to-night."

[b] In this account I have principally followed Edwards's history of the West Indies, vol. i. b. iii. chap. 3, with occasional references to Raynal, Guthrie, and the papers produced to the house of commons.

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1773. Proceedings of the British government with respect to the lands. 24th Mar. 1764.

Many of the French inhabitants, on the arrival of the English, left St. Vincent's, and the Carribs also solicited from the French governor of St. Lucia, permission to settle there, which was refused. A commission was framed for surveying and disposing of the lands; but although no stipulation was made in the treaty of peace, the lords of the treasury forbad the commissioners to suffer any survey of the territory inhabited or claimed by the Carribs, till the receipt of further instructions, that their numbers, dispositions, and settlements might be more fully known.

Conduct of the Carribs.

At first, the Carribs, uncertain of their future destiny, shewed the utmost humility, and in compliance with the propositions of government, many of them took the oaths of allegiance, and were received as subjects, shewing a perfect understanding of the transaction, expressing themselves much favoured and obliged by being placed on such a footing, and consenting to give up such lands as they could not cultivate[c]. Afterward, however, when they understood the nature of the instructions to the commissioners, and had received advice from the French, they claimed more land than could be useful, or than, under other circumstances, they would have presumed to demand.[d]

11th April 1767. Mr. Young's memorial.

After three years, William Young, esq. first commissioner for the sale of lands, in a memorial to the treasury, stated, that the total number of Carribs did not exceed two thousand, including women and children: the original Carribs being reduced to a very small number[e], living remote from the blacks, and under continual apprehensions from their known ferocity. The black Carribs were scattered over the most extensive and finest part of the island, but they cultivated only a small portion of the land in detached

[c] See report of Mr. Maitland and other persons concerned in the island of St. Vincent, to Lord Hillsborough; Debrett's Debates, vol. vi. p. 366.

[d] See Memoir of Mr. William Young; Debrett's Debates, vol. vi. p. 339.

[e] According to the best accounts not above one hundred families.

pieces, principally relying on hunting and fishing for subsistence. As it would be dangerous to the colonists that these lands should remain in the possession of lawless savages, Mr. Young requested further instructions, intimating that it would be proper to protect the red Carribs; as permitting their extermination by the blacks, would be repugnant to humanity; and he considered, as a subject of curious speculation, the adoption of such measures as would reconcile the happiness of both races of Carribs, with the safety and welfare of the British subjects.[f]

Jan. 1763. Survey ordered.

In pursuance of Mr. Young's recommendation, the lords of the treasury instructed the commissioners to survey and dispose of certain parts of the island claimed by the Carribs; but not to attempt removing them until notice of the whole arrangement and design should be fully imparted to, and understood by their chiefs. Humanity, mildness, and attention to the habits and convenience of the Carribs were expressly enjoined; the commissioners were restricted from receiving fees, directed to avoid violence, and to observe the strictest good faith in their transactions. In the lands allotted in exchange no quit-rent was to be reserved, and the Carribs were to receive the sum of four johannes, or seven pounds four shillings sterling, for every acre they had cleared.[g]

May 1769. Proceedings of the commissioners. Hostility of the black Carribs.

On receipt of these instructions, the King's surveyors began to examine the country, and make a road. The black Carribs, filled with alarm and indignation, assembled two hundred men in arms, and, loudly declaring their resolution to maintain their freedom and preserve their lands, insulted and obstructed the surveyors, and surrounding a detachment of forty men, sent to guard them, cut off every supply of water and provision. Mr. Alexander, president of

[f] See this memorial at length, Debrett's Debates, vol. vi. p. 336.
[g] Debrett's Debates, vol. vi. p. 342.

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Arrangement.

the council, acting for the governor in his absence, collected a hundred troops, but having positive instructions to avoid hostilities, proposed to suspend making the road, and desist from all proceedings, till further orders from the King, of which he would give due notice: the Carribs, satisfied with this declaration, promised to return quietly to their habitations; the forty men were liberated, and tranquillity restored without bloodshed.[h]

Their further violences.

An appeal to force now seemed inevitable. The Carribs declared their resolution not to suffer the proceeding of the surveyors: prevented the military from going to their new barracks at Mercerika; pulled down the house allotted for that purpose; denied subjection to the King, and resolved to preserve their independence. After the arrangements with Mr. Alexander, they broke up the road begun by the troops and surveyors, burned the huts erected for their use, and committed many ravages on the neighbouring plantations. The red Carribs did not interfere in the contest, and the lords of the treasury shewed humane attention toward them, by directing, that if the remains of this unfortunate people wished to be settled apart from the negroes, their inclination should be complied with.

Artifices of the French.

Nor would the black Carribs probably have shewn so determined an opposition, on a point of no importance to them, but for the artful instigation of the French, who used all means to excite antipathy against the English; even the little information they imparted of the catholic religion was subservient to this purpose; and in execrating the British name, the Carribs did not forget to stigmatize them as heretics. For some time after the peace, however, no instance

[h] See lieutenant-governor Fitzmaurice's letter to Lord Hillsborough; Mr. Wm. Young's letter to Harry Alexander; the letter of Mr. Alexander to lieutenant-governor Fitzmaurice, and the memorials and subsequent papers, passim. Debrett's Debates, vol. v. p. 346, et seq.

of disaffection had appeared, except that of maintaining a contraband intercourse with the French inhabitants of St. Lucia and Martinique, and declining all commerce with the English in St. Vincent's. From the vicinity of St. Lucia, and the ancient habits of the Carribs, this preference might have been considered of small importance, had not the malignant genius of the French soon rendered it extremely dangerous. The Carribs were instigated to resist the claims of England by French emissaries, whose intrigues in the West Indies formed a part of the plan which prompted the attack on the British property at Falkland's Islands. They taught the black Carribs to believe, that, as they were mostly descended from a race of slaves, bound in an English ship to Barbadoes, the heir of the owner had obtained an order to sell them as his property; and when animosity was thus sufficiently excited, the French supplied them with fire-arms, and encouraged hostilities.

The removal of four companies of the regiment stationed at St. Vincent's to Dominica, was the signal for armed opposition, and at that crisis they attacked the surveyors.

Alarms and remonstrances of the planters.

The planters of St. Vincent's were in daily expectation of a war with France; and saw that in the defenceless state of the island, surrounded by a numerous and inveterate enemy, well armed, and disciplined by French fugitives, their property and lives were on a most insecure and hazardous tenure. Rumours of projected massacres and conflagrations were circulated. The planters described their condition in terms denoting anxiety and solicitude, and all their dispatches to government, after the late commotion, earnestly requested an augmentation of the armed force. Avarice too had its share in these representations, as the letter of Mr. Alexander strongly expressed his impatience at being restrained from extremities, his reluctance at leaving so soon *that*

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fine cream part of the island, and his hopes that his absence from it would be but short.[i]

Efforts of the lieutenant-governor. 10th June, 1769.

The lieutenant-governor, however, endeavoured to restore tranquillity; he embodied the militia, and issued a mild and temperate proclamation to the Carribs. He forwarded to government, by the hands of the speaker of the assembly, a correct delineation of the state of the colony, but forcibly represented the impossibility of retaining an advantageous possession, while so large a portion of the island was occupied by the negroes, without any mixture of white inhabitants, as they must continue uncivilized, lawless, disaffected, useless, and prone, in case of war, to join the enemy. He also observed, that, "as, from the most exact calculations, they could not exceed a thousand fighting men, although headed by several intelligent and resolute chiefs; another regiment properly disposed, assisted by His Majesty's ships, together with some expence for presents, and other incidental charges, would insure their submission to government, with little or no bloodshed; the white inhabitants could then live peaceably among them, and the expence would be greatly overpaid by the sale of the lands."[k]

Orders of government. 4th Aug. 1769.

The British cabinet was not influenced by these representations to adopt rash or violent measures. The earl of Hillsborough, in a prudent and temperate letter to Mr. Fitzmaurice, approved his measures of defence, authorised him, in case of continued hostility, to make application to general Gage, at New York, for additional troops; but expressly ordered him, at the same time, to transmit to the general a full and explicit representation of the state of the island, a minute explanation of his reasons for

[i] See the papers in Debrett's Debates, vol. vi. p. 346 to 355.

[k] See Fitzmaurice's letter to Lord Hillsborough, Debrett's Debates, vol. vi. p. 356, and his proclamation, p. 361.

making such requisition, and his motives for fixing on any precise number of men.[l]

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Elated with their success in opposing the surveyors, the black Carribs increased in insolence and ferocity. They sent an embassy to count d'Ennery, or d'Henri, governor of Martinique, offering, with a small assistance, to cut off all the English, and destroy their settlements. The humanity of the French governor prevented his acceding to this horrible proposition, and as the militia was soon afterward raised, the Carribs, for a short period, affected humility and submission[m]. Yet they continued an illicit intercourse with the French islands, and the successor of count d'Ennery, and the governor of St. Lucia appear to have encouraged them in acts of hostility and insubordination. The Carribs used continual endeavours to seduce or even steal the slaves belonging to the planters; cruelly murdering those who would not work or consent to be sold to the French. Although the magistrates received full information of the names and residences of the perpetrators of these enormities, they durst not attempt to punish them; the Carribs, armed and insulting, traversed every part of the British territory, while their jealousy guarded every access to their own domain[n]. They blocked up the high road, burned the houses of obnoxious persons, and threatened to destroy the King's barracks at Prince's Bay, a settled part of the country, far distant from that which they inhabited or claimed.

Increasing insolence of the Carribs.

These violences, and the alarms they excited, occasioned many applications to the King and council, supported by affidavits and documents to prove the dangerous connexion between the Carribs and the French. The proprietors of lands, in their memorial, demonstrated, that the defence of the whole colony in case of a war would be incumbent on them, while

Representations of the planters to the King.

22d June, 1770.

[l] See Lord Hillsborough's letter to lieutenant-governor Fitzmaurice, ibid. p. 355.
[m] See reports of Mr. Maitland and others, in Debrett's Debates, vol. vi. p. 366.
[n] Idem, p. 367. Report of the commissioners, Debrett's Debates, vol. vi. p. 378.

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the Carribs not only forbad all approach to great part of the island, but were ready with a superior force to assist the enemy. The planters disclaimed every wish to treat the savages with inhumanity, but merely required protection for their lives and property, for the purpose of enjoying advantageously, the estates which they had purchased under the express guarantee of the crown. The commissioners for the sale of lands, in a report to the board of trade, certified many of the same facts, and the board, in their representation to the King, concurred in the necessity of increasing the insular military establishment.

26th July, 1769.

29th Mar. 1770.

Deputation of the Carribs to Grenada.

Still the ministry was desirous to avoid extremities, and governor Melville, in consequence of the indulgent and favourable orders transmitted to him, received with kindness a deputation of about fifty Carribs, who attended him at Grenada, to exculpate themselves from the charge of disaffection to the British government and undue intercourse with the French.[o]

25th Jan. 1771. Interview between British commissioners and the Carribs.

Influenced by governor Melville's representations, the ministry again sent instructions to the commissioners, who obtained an interview with the principal Carribs at a place called Morne Garou, and made a very liberal proffer for the purchase of about four thousand acres of practicable land, which they only claimed, but did not inhabit, with an assurance, that the rest of their possessions should be inalienably secured; but the Carribs inflexibly refused to permit a settlement in any part of the country over which they extended a claim. Being asked, whether they would take the oath of allegiance as subjects to the King of Great Britain, one, in the name of the rest, answered, they were equally independent of the kings of Great Britain and France; but confessed a great partiality to the French, and

[o] His letter, giving an account of the interview, is dated 5th July, 1770. Debates, vol. vi. p. 375.

said, the governor of Martinique had promised them protection, if they obeyed his orders in refusing to surrender any portion of land. This explicit avowal, combined with the general tenor of the conference, convinced the commissioners, that the Carribs acted entirely under French influence. The chief did not appear disinclined to accede to the proposals, but the principal speaker, who seemed to possess the greatest share of influence, had resided in Martinique from his infancy, and was but lately returned to St. Vincent's.

16th Oct. 1771. Report of the commissioners.

In reporting these transactions, the commissioners represented the impossibility of so small an island continuing long divided between a civilized people, and savages bound by no ties of law or religion, exempt, by their situation from fear of punishment, and prompt, at the earliest instigation, to ruin the colony. They observed, that the sale of the land was no longer the most important object; but the honour of the crown became concerned for the protection of its subjects against a lawless race, who might commit any kind of violence without controul; and they recommended the former plan of making a road, and mixing white inhabitants among the natives.[p]

Treachery of the French.

The alarms of the people of St. Vincent's were increased by an intercepted letter from the governor of St. Lucia, in which the Carribs were treated as an independent people; the French complained to themselves alone, of their deviations from propriety, demanded redress, without reference to the authority of the British government; and, with the threats it was judged expedient to use, mingled such flatteries and complacencies as tended to make these savages still more proud, stubborn, and uncomplying toward the English.[q]

30th May, 1771. Remonstrances from the island.

Mr. Leybourne, the governor of St. Vincent's, inclosed this letter to Lord Hillsborough, and suggested, that as an hostile correspondence was now clearly

[p] See Debates, vol. vi. p. 363.

[q] See the intercepted letter, dated Sept. 1771, Debrett's Debates, vol. vi. p. 371.

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proved, and lenient measures had been found ineffectual, force must be the last resort; the tranquillity of the island with its neighbours, and the respectability of the fleet in those seas, rendered the time particularly advantageous[r]. This dispatch was accompanied with a memorial from the council and assembly to the King, expressing their fears at being surrounded by lawless savages, in strength and number far superior to themselves, and notoriously at the disposal of a foreign enemy. After displaying the insults and injuries they were obliged to sustain without possibility of redress, they claimed protection as a right, from their having purchased crown lands at high prices, adventured their health and fortunes, and strained their utmost credit in forming the settlement, all which they had done under a firm assurance of being placed in as secure a situation as the sister islands. They observed, that such a separate empire was not only incompatible with their safety, but highly derogatory from the honour and dignity of the British crown; that lenity and every humane expedient had been long tried without success; but with natures incapable of gratitude or sentiment, the mild hand of benevolence lost its effect, and forbearance would only serve (as it had already) to increase the insolence of the Carribs, while it would eventually prove the greatest cruelty to the King's own subjects.

The experience of nearly five years, from the period when an attempt was first made to purchase from the Carribs a part of their lands, had fully convinced the British government, that to hold the island in its present state was impossible, and that they must either yield it up to the French, or reduce the Carribs to subjection. The delicacy shewn in 1764 in not immediately assuming possession of the vacant lands, and the respect paid to a claim without either occupancy or cultivation, had subjected the colonists to

[r] Idem, p. 372.

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much opposition, rendered the savages haughty and inflexible, and enabled them to court and obtain that countenance by which they were encouraged to insult authority and spurn controul.

16th April 1772. Hostile operations against the Carribs.

Orders were now dispatched to the commanders of ships on the leeward station, to prevent all communication between the Carribs and the islands of Martinique and St. Lucia, and an armed force was ordered to St. Vincent's. In a letter to governor Leybourne, the secretary of state explained the intentions of the cabinet. It was hoped that the Carribs, on seeing the hostile preparations, and knowing the resolution of government, would avoid extremities; the governor was accordingly directed to use his utmost efforts in promoting such a disposition, to avoid unnecessary severities, and, in whatever mode the submission of the Carribs might be obtained, the desirable object was, to continue them on the island, under conditions, which might be a sufficient pledge of safety, and with an allotment of a proper portion of territory. If, however, necessity should demand their removal, they were to be conveyed to some unfrequented part of the coast of Africa, or desert island adjacent, to be treated on the voyage with every humanity, and when put on shore, supplied with provisions, tools, and implements requisite for their present and future subsistence.[s]

18th April.

Two regiments were dispatched from New York, and some battalions from Dominica and other islands; but the operations being commenced late in the year, the result was unknown when the affair was discussed in parliament.

9th Dec. Discussion in the house of commons.

The army estimates being presented, Mr. Thomas Townshend required an examination into the management of troops in the West Indies: he had certain information that the regiments in St. Vincent's were unprovided with tents or camp equipage, and

[s] See Lord Hillsborough's letter to governor Leybourne. Debrett's Debates, vol. vi. p. 388.

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slept in the woods without covering. Alderman Trecothick asserted, that a scene of iniquity and cruelty was transacting in St. Vincent's, similar to the conduct of the Spaniards toward the Mexicans, and demanded the cause of those hostilities against a defenceless, innocent, and inoffensive people. Colonel Barré, in a speech of some length, reprobated the wanton manner in which the lives of the troops were sacrificed; and Lord George Germaine spoke with vehemence on the same side. Lord North barely reminding the House that they were deserting the business of the day, professed his willingness to meet the inquiry, and furnish all proper information. Mr. Townshend, however, promised to prosecute

11th Dec. the subject, and two days afterward made a motion for papers, which were readily granted, and clearly proved that the charge of neglecting the accommodation of the troops was unfounded.

10th Feb. 1773. Witnesses examined.

The general question came again under consideration after the recess, when Mr. Townshend moved, that Generals Wooten and Trapaud, commanders of the two regiments employed at St. Vincent's, should be examined. General Wooten had received no accounts; general Trapaud read an extract of a letter, dated the fourteenth of November, and received the seventeenth of December, in these words: "The mortality among the men is very great, owing to the heavy and continual rains which we have at this season. The poor Carribs have been ill used. They act with great caution; and the woods are so thick that they knock our men down with the greatest security to themselves, as it is impossible we can see them. We have only been able to penetrate four miles into the country. God knows how this pretty expedition will end; all we hope for is, that the promoters and contrivers of it will be brought to a speedy and severe account." The credit which might be due to this imperfect and speculative scrap was greatly diminished, by

a declaration from the minister, that no letter either of complaint or intelligence had been received by the secretary of state since the seventeenth of November. CHAP. XX. 1773.

On a subsequent day, evidence was examined, chiefly respecting the disposition of the Carribs. Two witnesses, Lieutenant Fletcher, and Governor Gore, spoke of them in advantageous terms; but the former left the island in 1757, the latter in 1765. Captain Farquhar, who had acted as governor Melville's deputy for eleven months, declared he knew no instances of their ill behaviour, but found them peaceable, and disposed to trade. On the other hand, Captain Ross, who had recently left the colony, declared, they were by nature thieves, and unworthy of confidence. Mr. Sharpe, the speaker of the assembly, deposed, that they were a faithless people, and while they continued in the island, neither the lives nor property of His Majesty's subjects could be secure; that assassinations and robberies were frequent; that his own negroes had been murdered in the field; and no inducements were wanting to encourage the slaves to desert; the Carribs were much addicted to drinking, and in their debaucheries were cruel, and abandoned to every species of vice. Their overtures to count d'Ennery were also proved. 12th Feb. 15th Feb.

Mr. Townshend expatiated on the cruelties and injustice to which the Carribs were exposed, and descanted on the unparalleled inhumanity of sending them to an uninhabited island, where they must perish by famine, or, if landed on the continent, fall a prey to the merciless negro inhabitants: and that, by means of the still more merciless negroes of the cabinet. He made two motions, first, That the expedition to St. Vincent's was undertaken without sufficient provocation, upon the representations of interested men, and must, if successful, end in total extirpation; the other, That the military were sent Mr. Townshend's motions.

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out in an improper season of the year, and that the ruin of some of the best troops in the service was likely to ensue.

A long debate was maintained, in which few substantial arguments were used. Colonel Barré was singularly happy in a ludicrous comparison between Mr. Alexander, the president of the council, and Alexander of Macedon. In descanting on the conduct of the commissioners toward the Carribs, he introduced an anecdote of the late war in America. A volunteer being on a party, with some light infantry and a few friendly Indians, they were surrounded; the volunteer shewing signs of alarm, an Indian, an old friend, inquired the cause; the volunteer expressed a dread of being scalped by the enemy. O! replied the Indian, I will remove that uneasiness, for I shall take care to scalp you myself. The proceedings of government were ably defended by Mr. Hans Stanley, Lord Barrington, and Lord North. The motions were lost by great majorities[t], as was another, for an address to inform the House, by whose advice the expedition was undertaken.

Termination of the contest.

Before the termination of these debates, the subject ceased to exist; after a campaign, inevitably protracted by the nature of the country, and of the enemy, the British troops, aided by the vigilance of the fleet, which prevented all extraneous succour,

17th Jan.

made the enemy accede to a treaty, by which every point in contest was fully adjusted. The Carribs acknowleging subjection, and agreeing to take the oaths of allegiance, an ample portion of land was allotted, and, guaranteed to them for ever. The British subjects were to have free access to this territory in search of runaway slaves, and to make roads in every direction; and the laws of Britain were to be resorted to in cases between the Carribs and the colonists, although, in their transactions with each other,

[t] 206 to 88—199 to 78.

the savages were left at liberty to regulate themselves by their own customs The loss in this expedition was about a hundred and fifty killed; one hundred and ten fell victims to the climate, and at the time of concluding the treaty, four hundred and twenty-eight were sick and wounded. [u]

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A petition from the captains of the navy, for an increase of pay, was presented by Lord Howe, and notwithstanding the opposition of Lord North and Mr. Fox, their salary was augmented, by the addition of two shillings a day. [w]

9th Feb. Increase of pay of captains in the navy.

A bill was again brought in, considerably altered from that of last year, for relief of the protestant dissenters. It was debated in an animated manner, in the house of commons, and passed; but was rejected by the lords [x]. Sir William Meredith also made a motion relative to subscribing the thirty-nine articles, at the time of matriculation in the universities; but after a long debate it was negatived.

Feb. and March. Bill for relief of dissenters rejected.

23d Feb.

[u] See the treaty of peace, comprized in 24 articles; History of Lord North's Administration, p. 95, et seq. I have detailed this transaction at great length, and quoted the authorities with minuteness, on account of the misrepresentations which have prevailed on the subject. It is somewhat extraordinary, that while this struggle was maintained in St. Vincent's, the Portuguese in the Brazils, and the Dutch in Surinam, both allies of England, were engaged in contests with the natives, and with their rebellious slaves.

[w] The numbers on a division were 154 to 145.

[x] Contents 26 — proxies 2. — Non-contents 65. On this occasion, the following observations are said to have been made by Lord Chatham. Dr. Drummond, archbishop of York, having called the dissenting ministers "Men of close ambition;" Lord Chatham accused him of judging uncharitably: "Whoever brought such a charge against them defamed" — Here he paused, and then proceeded — "The dissenting ministers are represented as men of close ambition. They are so, my lords; and their ambition is to keep close to the college of fishermen, not of cardinals, and to the doctrine of inspired apostles, not to the decrees of interested and aspiring bishops. They contend for a spiritual creed, and spiritual worship. We have a Calvinistic creed, a Popish liturgy, and an Arminian clergy." This debate is not reported, and for this speech I have no authority, except a report of Mr. Burke's speech, on the 2d of March 1790, in Debrett's Parliamentary Register, vol. xxvii. p. 179.

CHAPTER THE TWENTY-FIRST.

1771—1774.

View of the war between Russia and the Porte. — Commencement of hostilities. — Successes of Russia. — Destruction of the Turkish fleet. — Jealousy of France. — Congress at Fokshiani. — Preparations of France. — Augmentation of the British naval force. — French minister eager for war. — The King averse. — Preparations at Brest. — Conference of Lord Stormont with the French minister. — Armament at Brest discontinued. — New one at Toulon. — Preparations in England. — Second conference of the British embassador with the French minister. — France deterred from hostilities. — Preparations mutually suspended. — Peace between Russia and the Porte. — Transactions of the city of London. — Resolutions respecting the duration of parliament. — Address and remonstrance to the King. — Ineffectual efforts to revive the popularity of Mr. Wilkes. — He moves an address to the King, which is negatived. — Libels the lord mayor. — And is unsuccessful as candidate to succeed him. — State of Ireland. — Meeting of parliament. — The house surrounded by a mob. — Opposition to, and protest against the address. — Resignation of Mr. Ponsonby. — Proceedings in the ensuing session. — Addresses opposed. — Amended money bill rejected. — Alterations in the establishment of revenue officers. — Hearts of Steel. — Loan negotiated. — Prorogation of Parliament. — Lord Townshend recalled. — Succeeded by Lord Harcourt. — Affairs of America. — Contest of the New England assembly with the governor. — Taxation of revenue officers. — Address — Remonstrance — And prorogation of the assembly. — Progress of opposition. — Influence in the assembly. — Perverse use of the press. — Dependent state of the judges. — Governors prohibited from receiving presents. — Proceedings of the assembly. — Legislature removed back to Boston. — Tumultuous state of that town. — Revenue officers insulted. — The schooner Gaspee burned. — Report of the intention to fix the salaries of the judges. — Town meeting. — Corresponding committees appointed. — Observations on them. — Declaration of rights. — Address to the people. — Meeting of the legislature. — They

deny the legislative authority of parliament. — Transactions respecting the salaries of judges. — The governor assents to the act — But refuses to assent to a further grant. — Activity of the corresponding committees. — Publication of letters from Governors Hutchinson and Bernard. — Proceedings of the assembly. — They petition the King to remove the governor and lieutenant-governor. — Effect of the publication in America. — Effect of the act for exporting tea duty-free. — Proceedings at Boston. — Arrival of a ship. — Body meeting. — Other ships arrive. — Their cargoes thrown into the sea. — Proceedings in other provinces. — Impeachment of the chief justice. — His letter. — Assembly dissolved.

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1st July, 1773. King's speech at the close of the session.

IN his speech, at the close of the session of parliament, the King mentioned the affairs of the continent, in these terms: "the continuance of the war between Russia and the Porte, with both of whom I am closely connected in friendship, although under no engagement to either, gives me great concern. But, from the pacific disposition of other powers, I have reason to hope that these troubles will extend no further. I shall persevere in my earnest endeavours to preserve the general tranquillity of Europe, at the same time it shall be the constant object of my care, to be sufficiently prepared against any event which may affect the honour, safety, or interest of my kingdoms."

Commencement of hostilities between Russia and the Porte.

Hostilities between these two powers had raged since the year 1769: their first spring may probably be found in the intriguing genius of Choiseul, who fomented disturbances in Poland, for the purpose of reserving to his cabinet the power of interfering, when a favourable occasion should present itself. By the exertions of the French minister, a party was fostered, called the Confederation of Bar, who, uniting religion with patriotism, maintained open rebellion against the authority of king Stanislaus Augustus. They frequently solicited the assistance of the Turks, but without effect, till, in October 1768, Prince Gallitzin, in pursuing a party of Poles, not only entered

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the Turkish dominions, but burned a small town, named Balta.

Irritated by this violation of territory, and instigated by the interested representations of France, the sultan imprisoned, in the seven towers, Osbrekow, the empress's minister at Constantinople. This violence occasioned the commencement of a war, during which the Russian empire first displayed its mighty energies; the contest was conducted with great animosity, but generally favourably to the Russians: they over-ran Wallachia and Moldavia; and the empress having adopted the novel and bold measure of sending a fleet into the Mediterranean, the Turkish marine was effectually destroyed in the harbour of Chesme, on the coast of Natolia.

Destruction of the Turkish fleet.

Jealousy of France.

France beheld these events with jealousy and alarm: she had encouraged the commencement of hostilities, in the hope of reducing the power of Russia, and was proportionally irritated at finding them tend to the aggrandizement of the empress, and disgrace of the Turks. The Russian naval power was regarded with peculiar malevolence; and the French cabinet made several efforts to assist the grand sultan, which were always over-awed by the resolution of the British ministry, and the formidable state of the British fleet.

Congress at Fokshiani.

In August 1772, a pacificatory congress was ineffectually held at Fokshiani, and probably the French influence was still exerted, in preventing the Turks from acceding to terms, humiliating to them, and advantageous to Russia.

Preparations of France.

Considerable maritime preparations were made in the French ports, and all means attempted to lull the suspicions, or elude the vigilance of the British ministry, but in vain. The King, bound by treaties with both the contending powers, refused to permit the undue interference of a foreign nation, or an armament, for the purpose of dictating a mode of pacifi-

cation. Early in the late session of parliament, measures were adopted for putting the navy on a respectable establishment; twenty thousand men were voted for the service of the year; and although the delicacy of the crisis forbad the ministry to disclose the real motive of their preparations, it did not escape the penetration of opposition, who observed, that while the King's speech breathed sentiments of peace, the measures of his servants indicated nothing but hostility.[a]

2d Dec. 1772. Augmentation of the British naval force.

The duke d'Aiguillon, the successor of Choiseul, was anxious to engage in the contest, and essayed every art to make the British court regard his proceedings with indifference. In a council at Versailles, he announced a demand made by Sweden, for certain succours stipulated by France, on the plea, that her independency was threatened by a joint attack from Russia and Denmark: the King and many members of the cabinet were averse from hostility, as other great nations would also interfere, and a general war would probably ensue: they proposed a supply in money, but d'Aiguillon asserted, that Sweden insisted on an armed succour; a fleet of fourteen sail, he said, might be equipped in a month; England would not oppose, and Holland would assist in the measure. Louis XV. was displeased at the prospect of hostilities; but the members of the council who had declared their sentiments, did not venture further to oppose the minister, and orders were dispatched to Brest for arming twelve ships of the line and two frigates, manned with seven thousand sailors.

French minister eager for war.

28th Mar. 1773.

The King averse.

Preparations at Brest.

In an interview with Lord Stormont, the British embassador, d'Aiguillon dwelt on the ambitious views of Russia, her demands on the Porte, and her aiming to reign despotically in the north, by regulating the government of Sweden, and attacking that kingdom

30th Mar. 1773. Conference of Lord Stormont with the French minister.

[a] See Debrett's Debates, vol. vi. p. 301 to 314. Also respecting the war, Œuvres du Roi de Prusse, vol. iv. Life of the Empress Catherine, vol. ii. c. v. vi. and vii. Eton's Survey of the Turkish Empire, c. v.

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in concert with Denmark; France, he said, was bound, by every tie of interest and honour, to support Sweden, if attacked. Lord Stormont, perceiving the drift of these observations, answered, much would depend on the mode of supporting Sweden; for although the King wished to avoid whatever could disturb the harmony subsisting between the two courts, a French fleet in the Baltic would draw a British fleet there also. The duke, dissatisfied at this intimation, observed, that England always backed her friendly professions with a declaration, insisting, that France should renounce her honour, by abandoning her ancient ally, threatened with destruction; a requisition with which he could never comply. Lord Stormont replied, that France might give other succours; but the entry of two fleets into the Baltic, would in effect be no more beneficial than a neutrality: this declaration was carefully qualified, by observing, he had never said the British would attack the French fleet, but he could not be responsible for contingencies arising from the presence of two squadrons in the same sea.

4th April. Armament at Brest discontinued.

This vigorous language produced some effect; the preparation at Brest was countermanded: but still the French court, hoping to elude the vigilance of the British government, directed an armament of

New one at Toulon.

twelve or thirteen sail of the line to be equipped at Toulon, under pretence of exercising the sailors; and the order for seven thousand men at Brest was not retracted.

4th April. Preparations in England.

In announcing this information, Lord Stormont suggested, that vigorous and immediate preparations, on the part of Great Britain, without affected secrecy or affected ostentation, might be the most effectual means of preserving the public tranquillity.

7th April.

This prudent advice being consonant to the judgment of the cabinet, the embassador was instructed to declare, that if France stirred an oar, England would immediately bend her sails: and that no proposal could be admissible, tending to lead Great

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Britain to connive at France sending a fleet into the Baltic or Mediterranean.

1773. 6th April. Second conference of the British embassador with the French minister.

Before the receipt of these instructions, d'Aiguillon expressly avowed to Lord Stormont the intended armament at Toulon, though he declared it was only equipped for the purpose of performing evolutions. After much discussion, Lord Stormont observed, that although he had not, in his former discourse, mentioned the Mediterranean, yet his arguments respecting the Baltic applied with equal force to that sea; and asked the duke if he seriously meant the fleet for evolutions alone? D'Aiguillon replied, he indeed intended it so, but it might possibly be employed in assisting Sweden.

7th April.

Convinced from the manner of the French minister, that he was bent on plunging the two kingdoms into war, and apprehensive he did not truly represent to his Sovereign the sentiments of the British court, Lord Stormont suggested the propriety of delivering a memorial to the duke, as he then must submit it to the king of France; he also announced, that the Toulon squadron would be ready for sea by the end of May, and recommended an immediate armament as the best means of preserving peace.

14th April. Memorial to the French court.

In pursuance of this advice, a memorial was forwarded to lord Stormont; and proper orders issued for a naval equipment.

12th. French deterred from hostilities 18th. 20th.

In the mean time, another council was held at Versailles, in which d'Aiguillon faithfully reported the sentiments of the British minister; and lord Stormont was soon informed that the Toulon squadron was either disarmed or considerably reduced. This information was confirmed by the duke himself, who negligently said, orders had been issued to suspend the armament and the sailors countermanded: two frigates only would be sent to the Archipelago, and three ships of the line to Brest.

Preparations mutually suspended. 30th.

Shortly afterward Lord Stormont being interrogated by d'Aiguillon on the naval preparations in

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England, answered, that the proceedings of France would regulate those of his Sovereign; and in a few days he was officially informed, that the armament was abandoned till further orders.[b]

Thus, by a timely exertion of resolution and vigour, tempered with moderation, Great Britain not only avoided the calamities of war, but effectually served the cause of her ally, and facilitated the peace, which was in the next year concluded between Russia and the Porte.[c]

The progress of this affair occasioned no great sensation in England. The faction in the city was reduced by divisions to the lowest ebb. Its leaders attempted to interest the public by recurring to general topics of legislation, and therefore, on the motion of alderman Oliver, the court of aldermen resolved, "That a frequent appeal to the constituent part of the people, by short parliaments, was their undoubted right, and the only means by which the right of a real representation could be enjoyed and maintained." In consequence of this vote, a livery was called, who adopted a similar resolution, and proposed a test for the city candidates at any future election, by which they should bind themselves to use every endeavour in obtaining annual, or at least triennial parliaments.

16th Feb.

Resolutions passed by the city of London, respecting the duration of parliament. 11th Mar.

They also agreed to a new address, petition, and remonstrance, on the old subjects of the Middlesex election, the imprisonment of the magistrates and the erasure of the record in Mr. Wilkes's case, and praying for a dissolution of parliament, and dismission of the ministry. The King, when it was presented, said, it was so void of foundation, and conceived in such disrespectful terms, that he was convinced the petitioners themselves did not seriously imagine it could be complied with.

Address and remonstrance to the King. 26th Mar.

[b] From private information; letters and minutes taken on the occasion.

[c] The British fleet was in June assembled at Portsmouth: on the 22d, the King went to view this grand national bulwark, and endeared himself to every one by his affability and bounty.

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1773.

Efforts to revive Wilkes's popularity. 7th April. 20th.

Many attempts were ineffectually made to revive the popular enthusiasm for Mr. Wilkes. On a call of the House, the sheriffs summoned him among the county and city members, and omitted Mr. Luttrell; Mr. Wilkes, also, in a letter to the speaker, renewed his claim to a seat, and in the usual manner inveighed against the return of his opponent: he applied at the petty-bag office for a certificate of his election, which was refused, as the first return of the writ had been altered by the House. He transmitted his complaint on the subject to serjeant Glynn, who mentioned it in parliament, and made an unsuccessful motion that Mr. Wilkes should be permitted to substantiate his charge. Sir George Savile availed himself of this opportunity to renew his motion relative to the rights of election; it occasioned a debate, but was negatived.[d]

9th June. He moves an address;

Mr. Wilkes, who, in pursuing his favourite object of wounding the feelings of the King, was never restrained by delicacy or decorum, made a motion, in a court of common-council, for an address, congratulating His Majesty on the safe delivery of the duchess of Gloucester. This effort of mean and wanton insolence was opposed, as an affront to the King, and at length negatived; because it was not usual for the city to address, except for the issue of the immediate heir to the crown.

which is negatived.

Wilkes's aspersions on the lord mayor.

Libels against the members of different juntos in the city were now no less frequent than those against the court and courtiers. Mr. Wilkes, in a public paper, stigmatised the rule of the lord mayor (Townshend) for violence, tyranny, neglect of public business, contempt of order and decorum, and the most sordid parsimony. For this offence he was called to account by the court of aldermen; but instead of denying, gloried in the charge, and added partiality and cruelty to his former accusations. He

10th Sept.

[d] 201 against 151.

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was afterward candidate for the mayoralty, but without success; alderman Bull was elected, and the vote of thanks to the late magistrate was accompanied by a motion of censure on his libeller, which was only withdrawn on the intercession of alderman Townshend himself.

17th Nov.

State of Ireland.

Discontent and turbulence still prevailed in Ireland. The sudden prorogation of parliament was not forgiven, and those who felt the greatest resentment employed the interval in reinforcing their friends, and concerting new measures. Lord Shannon and Mr. Ponsonby were, during the recess, deprived of all their places, and the accession of their strength and influence was anxiously expected by the minority.

26th Feb. 1771. Meeting of parliament.

The lord-lieutenant met the legislature with a conciliatory speech, informing them, that the bounties on exportation of linen were continued and extended; and that, with a very strict economy, the duties granted in the last session would be sufficient for the expences of the year, and no supply required. He rejoiced in the opportunity of co-operating with them for the public welfare, and flattered himself that their mutual endeavours would bring the session to a speedy and happy conclusion.

27th. House surrounded by a mob.

On the ensuing day, when the address was to be moved, a mob, armed with clubs and cutlasses, surrounded the house of parliament, and attempted to compel several members to take an oath of their dictating, which, being refused, many persons distinguished for their adherence to government were insulted and mal-treated; nor was the tumult quelled without the assistance of the military.

Addresses opposed.

The addresses were strenuously opposed in both houses; and a paragraph, thanking the King for continuing lord Townshend in the lord lieutenancy, occasioned a strong protest, signed by fifteen peers, and concluding in these terms: "Because moderation, firmness, consistency, a due distinctive regard to all ranks of persons, a regular system of administration,

Protest.

being, as we conceive, indispensably requisite to the support and dignity of government, and to the conduct of His Majesty's affairs, we cannot without violation of truth and justice, return thanks to the King for continuing a chief governor, who, in contempt of all forms of business, and rules of decency, heretofore respected by his predecessors, is actuated only by the most arbitrary caprice, to the detriment of His Majesty's interest, to the injury of this oppressed country, and to the unspeakable vexation of persons of every condition." Mr. Ponsonby, the speaker of the house of commons, at the same time, resigned the chair, declaring by letter, that he considered the address, after the transactions of the last session, derogatory to the dignity of the house: he was succeeded by Mr. Pery. The King returned a gracious answer to the address; but the business of the session was not important.

Resignation of Mr. Ponsonby. 4th March, 1771.

During the recess, the press teemed with publications relative to the state of Ireland, and the conduct of the lord-lieutenant; and opposition prepared to exert itself with increased vigour. At the opening of the ensuing session, the viceroy, in his speech, observed, that the revenue had fallen considerably short of its intended purposes, and attributed the deficiency, in a great degree, to the premiums and bounties allowed by parliament, and the expences of public works.

Efforts of opposition.

8th Oct. Proceedings in the ensuing session.

The strength of opposition was again essayed in both houses, in combating the addresses: in the lords, the minority, headed by the Duke of Leinster, and Lord Moira, insisted, that the deficiencies complained of in the lord lieutenant's speech did not arise from the causes he assigned, but from the late unconstitutional prorogation. Failing in their attempt to negative the address [c], all the peers who composed the minority joined in a protest.

Addresses opposed.

Protest. 9th Oct. 1771.

[c] It was carried by 25 to 11.

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In the house of commons, several eminent orators distinguished themselves in resisting the address: they alleged the impropriety of concurring in it, at least till accounts delivered to the House enabled them to judge whether the deficiency in revenue was truly attributed to patriotic exertions, or whether it arose, in fact, from the great number of places and pensions so flagrantly distributed among the members composing the court party. The conduct of the lord-lieutenant in proroguing parliament was also severely arraigned. The measures of government were defended with equal ability, and the vote of the last session, thanking the King for continuing Lord Townshend in his situation, was adduced as a proof of the inconsistency of those who were now so anxious to criminate him, and of their desire to mislead the House. After a debate, which lasted till half after three o'clock in the morning, the address was carried.

Strenuous exertions of opposition.

The opposition party were neither dispirited nor disconcerted by this failure; they saw their importance and numbers increase on every division, and persevered with all the ardour inspired by a view of success. For four months the House never rose before ten o'clock, and frequently sat several hours after midnight: a new attack was, almost every day, made on government. 5th Dec. On a proposition for a new board of accounts, after a protracted debate, the opposition divided a minority of five only [f], but in the rejection of a money bill, obtained a complete triumph.

Money bill amended in England, rejected in Ireland. 20th Dec.

An act of the Irish parliament was sent to England, containing means of supply, but was returned from the British council altered in three material particulars. On its return, after an animated debate, it was rejected without a division; but the House of Commons, to avert the calamities which would result from a want of supplies, instantly brought in a new bill containing all the grants of the former, and even admitting two

[f] 124 to 119.

of the three amendments which occasioned its rejection: they read it three times in the same sitting, and sent it to the lords. The whole transaction did not occupy two hours. The speaker, in presenting the bill to the lord-lieutenant, assured him of the inviolable attachment of the commons to the King, and their zeal for his service. 1st Jan. 1772.

Another measure of government which gave great offence was the increase of revenue officers, by putting the customs and excise under separate boards; this alteration created an additional expence of sixteen thousand pounds per annum, but the difference was abundantly repaid by the prevention of frauds. The party in opposition alleged that a great part of the revenue officers already appointed resided in England, and the increase of the number tended merely to the augmentation of patronage. A resolution passed the House of Commons, expressing disapprobation of the measure before it was known to have been adopted by the King; and when the appointment was announced, a resolution was voted, declaring, that whoever advised the increase of commissioners of the revenue beyond seven, advised a measure contrary to the sense of the house [g]. A bill was also brought in for limiting the number of placemen to sit in parliament, but failed. Alteration respecting revenue officers. Feb. 1772.

Meanwhile, the north of Ireland was over-run by a turbulent and savage banditti, who, under the name of *Hearts of Steel*, perpetrated the greatest outrages, and the blackest crimes: they were in sufficient force to keep the whole country in alarm, and were not quelled without the aid of the military. Hearts of Steel.

Such continual efforts of opposition, frequently attended with success, and such frequent insurrections in the country, not only impaired the energies Loan negotiated.

[g] The divison was equal, 106 on each side; the speaker gave a casting voice in the affirmative. The resolution was a mere nullity, as the King had created the commissioners before the passing of the resolution alluded to, as containing the sense of the House: but the motion, and the strength of opposition, show the state of public opinion.

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of government, but diminished its pecuniary credit. The receipt of revenue was so much impeded, and the expenditure so much overcharged, in consequence of popular motions, that an alarming deficiency which had been felt for many years, and was continually increasing, was submitted to parliament. The House of Commons proposed to assist government by a loan of two millions; but men of property were not easily induced to advance the requisite sums on the slender security of tax acts, passed for two years only, while, by the efforts of opposition, the permanent revenue was incumbered to the annual amount of fifty thousand pounds, and while the turbulence of the populace was in some measure sanctioned and instigated, by repeated attacks on the constitution.

2d June. Termination of the session.

The viceroy, at the close of the session, expressed approbation of several acts, but complained of the smallness of supplies, and suggested the impossibility of their sufficing, unless a considerable increase in the revenue was effected. The conclusion of this speech had a valedictory appearance, and before the next meeting of the legislature he was recalled[h], and replaced by Lord Harcourt, who was received with great joy by the Irish. Dissatisfaction was however generally prevalent, and exaggerated accounts were circulated, tending to impress a belief of emigrations, to an enormous and dangerous amount, from all the towns and manufacturing counties in the kingdom.[i]

9th Oct. Lord Townshend recalled.

28th Nov. Lord Harcourt, lord lieutenant.

Affairs of America.

The rising and widely-diffused spirit of dissatisfaction and opposition, which had already occasioned so much embarrassment in the government of America, now assumed a more formidable aspect, and produced those events by which the separation of the parent state from its colonies was effected.

[h] Lord Townshend was not recalled under circumstances of disgrace: he was immediately appointed master-general of the ordnance. The personal rancour excited by his administration was so great, that he was obliged to fight (2d Feb. 1773) a duel with lord Bellamont, who was dangerously wounded in the body, but recovered.

[i] For these circumstances, see the accounts preserved in the periodical publications.

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The repeal of American duties was not satisfactory to the opposition party in the colonies; the exception of tea afforded an opportunity of urging that, although Great Britain had been twice foiled in attempts to raise a revenue, the intention was not abandoned, but the right being reserved, an opportunity alone was wanting to carry it into execution. The insinuation was not devoid of plausibility, and it was frequently adverted to in periodical publications, for the purpose of exciting discontent; but although jealousy and alarm were thus kept alive, the majority of the people were not easily propelled to action by mere theoretical statements and surmised possibilities. Yet cordiality was not restored: tea from Great Britain was still a prohibited article, and the inhabitants of the New England provinces assiduously cherished the sentiments of disaffection, which they hoped ultimately to impart to other colonies. These resolute republicans would not have been satisfied with a total abolition of the claim to taxation; they anxiously awaited such concession from the mother-country, as would, in fact, render America independent.

Contest of Massachuset's Bay with governor Hutchinson.

The removal of the legislature from Boston to the town of Cambridge, distant about four miles, afforded room for strenuous complaints from the house of representatives to Mr. Hutchinson, Sir Francis Bernard's successor in the government of Massachuset's Bay. In answer to a message requiring its re-instatement in Boston, he said he was unable to comply, unless authorized by the King, but would solicit his permission, and hoped to obtain it before another session.

30th May.

Taxation of revenue officers.

Before the end of the existing session, however, he found it necessary to alter this conciliatory language. The establishment of a board of customs, and the powers committed to the revenue officers, formed a more serious ground of complaint than any taxation imposed or attempted by Great Britain: and

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the legislators of New England, although they could not make the prevention of smuggling a subject of invective, used every little art and sinister chicane to oppress the persons employed in protecting the revenue. During late years, they had introduced a practice of assessing the officers of the crown, residing among them, for the profits derived from their commissions: the governor, in consequence of representations on the subject, was expressly instructed to withhold his consent from such laws, on whatever pretence they might be founded.

4th July, 1771.

The legislature having passed an act, in the new form, for "apportioning and assessing a tax of 1,500*l.*" the governor, in very mild terms, informed them of his instructions, and stated that the general clause in the bill, empowering assessors to tax all commissions of profit, needed qualification, and should extend only to commissions peculiarly relating to the province, otherwise, any of His Majesty's servants, occasionally resident for a short term, might be taxed for profits received from their commissions and places in Great Britain, or any other part of His Majesty's dominions.

5th. Address of the assembly.

A strenuous debate ensued, and a copy of the instructions being communicated, the assembly unanimously voted an address, in which they termed the governor's reason for refusing to sanction the bill, surprising and alarming. "We know of no commissioners of His Majesty's customs," they said, "nor of any revenue His Majesty has a right to establish in North America: we know, and we feel a tribute levied and extorted from those, who, if they have property, have a right to the absolute disposal of it."

Remonstrance.

A remonstrance was also agreed to on the governor's refusal to ratify the grant of certain sums of money to Messrs. Bollan and De Bert, the colonial agents.

Assembly prorogued.

Governor Hutchinson checked the progress of these debates by proroguing the general court. In his speech, he said, whatever might be the rights of

the legislature in matters of taxation, the crown had reserved to itself the prerogative of disallowing laws; and as the rejection of a tax act, after it was in part executed, would cause great perplexity, the King's instructions, pointing out those parts which he disapproved, afforded an unexceptionable instance of tenderness and paternal regard. He promised also to transmit his message, and their extraordinary answer, to be laid before His Majesty.

Progress of opposition.

The determined spirit of opposition shewn by the assembly, and the system and perseverance with which it was prosecuted, indicated great strength of combination, and firmness of arrangement. Every measure taken by the popular party since the commencement of disputes between the mother-country and colonies, tended to give vigour, and ensure success, to their ulterior efforts. The government, when tranquillity was apparently restored, rejoiced in the absence of discontent, and banished all fear and jealousy: the opposition party, on the contrary, dreaded the abatement of public effervescence, and excited suspicion and apprehension by the revival of old topics of dispute, and the suggestion of new ones, either existing or probable. Effigies, paintings, and other imagery, were exhibited to inflame the public mind; the fourteenth of August was annually celebrated as a festival in commemoration of the destruction of a building, the property of the lieutenant-governor, which was demolished by a mob, on the supposition of its being designed for a stamp-office, and of the owner's being compelled to resign his office of stamp-master, under the tree of liberty. The fifth of March, the anniversary of the pretended massacre of Boston, was also marked out for the periodical delivery of orations at one of the meeting-houses; lists of imaginary grievances were continually published; the people were told that the ministry had formed a plan to enslave them, and conjured, by the duty they owed to themselves, their country, and their God, by the reverence

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due to the sacred memory of their ancestors, and by their affection for unborn millions, to rouse and exert themselves in the common cause. They were further stimulated by pretences that the people of England were depraved, the parliament venal, and the ministry corrupt; nor were attempts wanting to traduce Majesty itself. The kingdom of Great Britain was depicted as an ancient structure, once the admiration of the world, now sliding from its base, and rushing to its fall; at the same time the natives were called upon to mark their own rapid growth, and to behold the certain evidence, that America was on the eve of independent empire. The dissenting ministers actively inculcated the same sentiments from their pulpits, and with religious solemnity, with forcible appeals to Heaven, and with all the advantages derived from habit, religious opinion, and popular predilection, enforced the topics and principles which their audience had before read in newspapers. The friends of government could not recur to the same, or even ordinary means, in support of their cause, as the press was entirely enslaved to the other party; printers were threatened with ruin for publishing in their behalf, and one printer was, for his perseverance, compelled to abandon the country.

Influence in the assembly.

The legislature was entirely subjected to a committee of the most active amongst the popular members: who, in secret, framed the popular resolves, and other violent measures. It was their policy to particularize the votes of every member, which were published in the ensuing gazette, with the names of the representatives, who were exposed to resentment and contempt by severe strictures and invectives. Individuals, thus rendered objects of detestation to their constituents, were easily supplanted at a new election; and although the loss of a seat was not in itself of great importance, yet, when the unsuccessful candidate became stigmatized as an enemy to his country, he was exposed to insult, his professional pursuits

were impeded, and the welfare of himself and family rendered precarious. Under the influence of these terrors, few members could be found sufficiently hardy to oppose the popular voice; the apparent unanimity of the assembly encouraged factious proceedings out of doors; and the popular party in the legislature derived new courage from the success of their adherents in the town.[k]

Dependent state of the judges.

While such was the state of the legislative body, no reliance could be placed on the due administration of justice, as the governor and the judges were dependent for their salaries on the votes of the colonial legislature, although their commissions were given by the King, and tenable during his pleasure. The salaries of the judges were inadequate to the dignity of their stations, and disproportionate to those of other officers of government: they had often petitioned for an advance, but without effect, and their known dependence diminished their authority. In their charges to grand juries they in vain recommended the prevention of riots and insurrections; the jurors, who were men of property, and invariably of the popular party, refused attention to the instructions of persons whose rank in society was rendered less respectable than it ought to have been, by the want of a sufficient establishment; and libels on magistrates and governors were repeatedly suffered to pass unnoticed, although the proof was copious and flagrant. Party extended its influence to the whole administration of justice; juries, even in cases of property, gave decisions biassed by the political connexions of the suitors, and the judges, restrained by a recollection of their own dependence, could not reverse, by a declaration of the law, these injurious proceedings.[l]

1772. Governors prohibited from receiving presents.

Sensible of the necessity of terminating this disgraceful subjection, the ministry, in pursuance of an act of parliament, enjoined the governors of provinces

[k] See Massachussetensis, a series of letters by Mr. Lenard, a member of the council of Massachusset's Bay; Boston, printed; London, reprinted for Mathews in the Strand, 1776. Letter ii.

[l] Massachussetensis, Letter iii.

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to withhold their consent from any act, for a gift or present from the assembly or others to them, on pain of recal.

1772. May. Proceedings of the assembly.

The house of representatives of Massachuset's Bay, in a message to Mr. Hutchinson, required information, Whether provision was made for him as governor, in any other than the usual manner, by gifts and grants from the general assembly? He answered, That His Majesty, in pursuance of an act of parliament, had made certain and adequate provision for his support in his station; and he supposed he could not, without special permission, accept of any grant from the province for his ordinary services.

On this answer, the assembly voted the governor's acceptance of support not derived from the general assembly, a dangerous innovation, which rendered him independent of the people, and not such a governor as the people consented to at the time of granting their charter; and they most solemnly protested against the innovation, as a change of the constitution, which exposed the province to despotism.

13th June. Legislature removed back to Boston.

Notwithstanding this contumacious proceeding in the assembly, the governor was disposed to conciliatory measures, and, on the favourable report of the council, complied with the wishes of the people, by adjourning the session for a few days, and appointing their next meeting at Boston. But, although the council certified, on their oaths, that the governor might, with a proper regard to the King's instructions, remove the general court to Boston, that town was still in a most tumultuous state, and the spirit of insubordination active and unsubdued.

Tumultuous state of that town.

Revenue officers insulted.

The establishment of a board of commissioners, and the activity employed in the prevention of smuggling, occasioned the utmost discontent; and, after the removal of the troops from Boston, the revenue officers were exposed to constant insults: the offenders were not restrained by the magistracy, and openly encouraged by the wealthiest merchants. Ob-

noxious persons were stripped, daubed with tar, then covered with feathers, and in that state, carried through the streets, derided, struck, and scourged by the populace. [m]

The other New England provinces participated in the same spirit: at the town of Providence, in Rhode Island, a place notorious for smuggling, a king's schooner called the Gaspee was stationed; the commander of which, Lieutenant Doddingstone, was detested for his vigilance and activity. At midnight, the Gaspee was boarded by two hundred armed men from boats, who, after wounding the commander, and forcibly carrying him and the crew on shore, burned the vessel. The perpetrators of this daring exploit were never discovered, although a reward of five hundred pounds was offered, together with a pardon, if claimed by any of the accomplices. [n]

Burning of the schooner Gaspee.

10th June.

During a recess of the legislature of Massachuset's Bay, it was rumoured, as the fact really was, that the ministry intended to grant not merely to the governor, but to the judges, adequate salaries, payable out of the public revenues; the popular party represented this as a ministerial plan, to render the judges dependent on the crown; and the press immediately teemed with new invectives. Great Britain, it was said, having failed in the attempt to dragoon the province into a slavish submission, was now aiming at the accomplishment of the same end, by corrupting the source of justice.

Report of the intention to fix the salaries of judges.

The select men immediately appointed a town meeting at Faneuil Hall, to inquire into the grounds of the report. A message was transmitted to the governor, stating the alarm excited among all considerate persons, by the report of a measure tending rapidly to complete the slavery, which originated in a power assumed by the House of Commons of Great Britain, to grant the money of the colonists without

25th Oct. Town Meeting.

Message to the governor.

[m] See Almon's Collection, vol. i. p. 249.
[n] Stedman.

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their consent; and requesting information, whether he had received advice on the subject? Hutchinson answered, it was not proper for him to lay before any town meeting his correspondence as governor, or to acquaint them whether he had or had not received advices relating to the public affairs of government. His answer was deemed unsatisfactory, and a committee appointed to request him to convene the assembly, which he declined, assigning his reason. They then resolved to petition the King for redress of grievances, and established a committee to correspond with other provinces.

Corresponding committees appointed.

Observations on them.

The baleful effects of these committees had been already experienced in the colonies: their establishment in America is attributed to Franklin [o], and is aptly termed, "the foulest, subtilest, and most venomous serpent that ever issued from the eggs of sedition [p]." The committees were generally chosen at town meetings, and composed of the most fiery and uncontroulable spirits of opposition; they had an opportunity, under the apparent sanction of their towns, of clandestinely wreaking revenge on obnoxious persons, by traducing and representing them as enemies to the country; many individuals of principle and property, while travelling, found themselves insulted and reviled by men whom they had never seen, and for whose malevolence they were at a loss to divine a mo-

[o] The *invention* is far more ancient; corresponding committees were established among the republicans and secretaries in the time of Charles I. They were probably revived in America at the suggestion of Franklin.

[p] An American writer, exulting in the effect already produced by these committees, and auguring the purposes to which they might be converted in other countries, expresses himself in these terms: "If we recollect how many states have lost their liberties, merely from want of communication with each other, and union among themselves, we shall think that the *committees of correspondence may be intended by Providence to accomplish great events.* What the eloquence and talents of Demosthenes could not effect among the states of Greece, might have been effected by so simple a device. Castile, Arragon, Valencia, Majorca, &c. all complained of oppression under Charles the Fifth, flew out into transports of rage, and took arms against him; but they never consulted or communicated with each other. They resisted separately, and were separately subdued. Had Don Juan Padilla, or his wife, been possessed of the genius to invent a committee of correspondence, perhaps the liberties of the Spanish nation might have remained to this hour." See Almon's Remembrancer, vol. i. p. 33.

tive. Thus was sedition propagated, and misrepresentation, both of individuals and of public measures, rendered current through all parts of this vast continent: by these means did the same clamours arise in so many parts of the colonies at the same moment, that to those who supposed the proceeding spontaneous, it appeared almost miraculous.[q]

2d Nov. The committee frame a declaration of rights.

From the committee at Boston originated a report, containing a new declaration of rights, more extensive than any hitherto framed; the authority of parliament to legislate for the colonies, in any respect, was explicitly denied; the rights of the colonists, and the violations of them, were enumerated; the declaratory act of 1766 was particularly complained of; by this, they said, the British parliament assumed the power of legislating for them without their consent, and under pretence of that authority, imposed taxes in the colonies, and appointed new officers to be resident amongst them, unknown to their constitution, because unauthorized by their charter. The British ministry, by framing the new regulation for granting salaries to the judges and crown officers out of this odious tribute, were charged with designing to complete the system of slavery commenced in the House of Commons.

Address to the people.

This report being approved at an adjourned meeting of the inhabitants, six hundred copies were printed, and dispersed through all the towns of the province, with an address to the people, exhorting them, in the common cant used for purposes of faction; "By the regard they owed to the rising generation, not to *doze, or sit supinely indifferent, on the brink of destruction,* while the *iron hand of oppression* was daily *tearing the choicest fruits from the fair tree of liberty,* planted by their worthy predecessors at the expence of their treasure, and *abundantly watered by their blood.*"[r]

[q] Massachussetensis, Letter iv.

[r] Stedman, vol. i. p. 82. Almon's Collection, &c.

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1773. 6th Jan. Meeting of the legislature.

As these general speculations had been so unsparingly promulgated, and with some appearance of authoritative sanction, Mr. Hutchinson thought proper, at the opening of the general court, to afford the legislature an opportunity of disavowing any concurrence in such dangerous sentiments, and therefore took occasion to insist on the supreme legislative authority of parliament. The assembly, however, were not disposed to recede, as a body, from the pretensions which, as individuals, they had laboured to maintain: in their address they denied the competency of parliament, not only to levy taxes, but to legislate for them in any respect; and they added, "If, in any late instances, there had been a submission to acts of parliament, it had been, in their opinion, rather from inconsideration, or reluctance to contend with the parent state, than from a conviction or acknowledgment of the supreme legislative authority of parliaments." [s]

They deny the legislative authority of parliament.

Messages respecting the salaries of judges. 23d Jan.

3d Feb.

The grand popular topic was not long permitted to remain quiescent: the house of representatives voted salaries to the judges, as a compensation for their services for one year, ending the first of January. The governor delaying to sanction this vote, was requested to make known his difficulty, and acquainted that the people were universally alarmed with the report of salaries being fixed to the

[s] Such was the improper tendency of this address, that the assembly themselves thought proper, in a letter to the Earl of Dartmouth, secretary of state for American affairs, dated 29th June 1773, to retract and apologize for the expressions they had used. Even this was not done without some chicane and hypocrisy; they accused the governor of having unnecessarily brought the subject of parliamentary authority under consideration, and that by his speech at the opening of the session. Mr. Hutchinson called on the two houses in such a pressing manner, as amounted to little short of a challenge to answer him. Into such a dilemma were they brought by the speech, they say, that they were under a necessity of giving such answers as they did, or having their conduct construed into an acquiescence in the doctrines it contained, which would have been an implicit acknowledgment that the province was in a state of subjection, differing very little from slavery. The answers were the effect of necessity, and this necessity occasioned great grief to the two Houses. "The people of this province, my Lord," they continued, "are true and faithful subjects of His Majesty, and think themselves happy in their connexion with Great Britain." Stedman and Almon.

offices of the justices by order of the crown. His excellency avowed his information that the King had directed salaries; but had received no intelligence of warrants being issued for payment; he had therefore delayed giving his immediate assent to the grants, lest when the warrants from the crown should be transmitted, they might include sums due for part of the time for which the assembly had provided. CHAP. XXI. 1773. 4th Feb.

A deputation was, in consequence of this message, instructed to wait on the governor, and represent, that "no judge, who had a due regard to justice, or even to his own character, would chuse to be placed under an undue bias, by accepting of, and becoming dependent on the crown for his salary." The measure was imputed to the King's being misinformed respecting their constitution, and the governor's reasons for delay were treated with great disregard. "When we consider," they said, "the many attempts that have been made, to render null and void those clauses in our charter, upon which the freedom of our constitution depends, we should be lost to all public feeling, did we not manifest a just resentment. We are more and more convinced, that it has been the design of administration totally to subvert the constitution, and introduce an arbitrary government in this province, and we cannot wonder that the apprehensions of this people are thoroughly awakened." In conclusion, they expressed a hope that the judges would refuse to accept of support in a manner so justly obnoxious to the disinterested and judicious part of the community, being repugnant to the charter, and utterly inconsistent with their safety, rights, liberties, and property. 12th Feb.

The governor, contrary to the expectations of the demagogues, at length gave his consent to the vote; but as the question would now remain at rest for a longer period than suited the views of the popular faction, they adopted an unprecedented measure for the purpose of instantly reviving it, by voting simi- Hutchinson assents to the act of the assembly. Further grants voted. Which the governor

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lar grants for the year ensuing. The governor refused to confirm this proceeding; he alleged, that as there was no instance, since the charter, of an allowance made to judges for services not actually performed, and as those grants were prospective, and passed in so short a time after the information he had given the House, his assent would appear to counteract the King's intentions.

refuses to sanction.

Activity of the committees of correspondence.

The year 1773 produced abundant causes of discontent in New England; the dispute respecting the judges was never relinquished; and the committees of correspondence were actively employed in disseminating sedition. In consequence of the outrage committed on board the Gaspee, a court of inquiry was instituted at Rhode Island, with powers, conformably to a late act of parliament, to send the offenders to England for trial. A sub-committee of correspondence was formed by the people of Boston, to inquire by what authority the court of inquiry held its sittings; the assembly of Virginia, and several other legislative bodies, adopted the corresponding scheme, and the whole continent was thus prepared for the instantaneous reception of an uniform impulse.

Publication of the letters of Hutchinson and Bernard.

The hatred of the people of Massachuset's Bay to their governor, and to the British government, received at this time new force from a treacherous and unwarrantable act, committed by Dr. Franklin their agent. The appointment of this person, at a critical period, has already been mentioned: his continuance in his appointment was owing to the influence of the opposition party in the assembly, who, contrary to the practice and forms of the colonial constitution, which required the concurrence of the three branches of the legislature in the nomination, continued him, although the council had appointed another person to officiate for them. Dr. Franklin's information was, however, highly prized by his adherents: his delineations of the disposition of the King, the ministry, the

parliament, and the nation, were deemed most authentic. He advised the colonists to persevere in distressing government by reiterated resolutions, and to cherish a military spirit; and assured his constituents, that, if firm, they had nothing to fear from the people of England. He suggested modes of resistance to government, and the popular measures were generally introduced to the House by letters from him. The rancorous opposition which was displayed during the governments of Bernard and Hutchinson, was attributed to the misrepresentations of party agents. Sir Francis Bernard was a man of acknowledged abilities, and the utmost integrity; he came to the government of Massachuset's Bay, recommended by the affections of the people of New Jersey, over whom he had before presided. Mr. Hutchinson's character in private life was amiable and exemplary; his abilities, humanity, and honour, were well known to the province, from his conduct in various important departments, particularly that of chief justice; and he was endowed with a thorough knowledge of the interests, connexions, and affairs of his[t] government. As a friend to the constitution established by charter, he opposed the innovations of the republicans, and his confidential communications with the ministry of Great Britain expressed, with freedom, his sentiments respecting the origin, continuance, and means of preventing those disturbances which agitated the colony.

Their characters.

By means which have never been ascertained, Dr. Franklin became possessed of some of these letters; the mode of obtaining them could not be honourable, and the use to which he converted them was highly flagitious; he transmitted them immediately to the house of representatives, where they gave birth to the most violent proceedings. A committee waited on the governor, and, refusing to trust the letters from their own custody, inquired whether he acknowledged

Proceedings of the assembly.

[t] Massachussetensis, Letter iii.

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his signature. Having received an explicit avowal, the assembly prepared a petition and remonstrance to the King, charging the governor with betraying his trust and slandering the people, by giving private, partial, and false information; he was declared an enemy to the colony; and they prayed for his removal, and that of Mr. Oliver, the lieutenant-governor.

Observations on the letters.

These letters have been much descanted on, and produced in vindication of proceedings which they are not calculated to justify: in the situation in which the governor was placed, viewing with alarm and apprehension the daily inroads made on a constitution which he perfectly understood, and was commissioned to protect, his counsels do not seem dictated by a spirit of violence, or communicated in terms of undue warmth: they are the effusions of a thinking mind, occupied in discussing public affairs of the first moment: he did not pretend to disclose private or confidential communications, but detailed free opinions relative to the politics of government, and the means of securing the dependance of the colonists, the termination of which he clearly anticipated. As he wrote with the utmost frankness, some of his expressions might be descanted on to his disadvantage; but his letters contained no information unfounded on fact, nor were his reasonings recommended by any promises to unite a party, or to assist in subverting the charter of the colony: he merely pointed out such means as were, in his opinion, calculated to counteract the daily infractions of the constitution, which were made under an affected pretence of aspiring at English liberty, but were, in fact, most frequently founded on appeals to the abstract and antisocial rights of nature. The letters of Mr. Oliver[u] were of the same character, but his counsels were more specific; he recommended the removal of the principal incendiaries, the establish-

[u] The letters at large have been frequently published; and the reader may form a candid judgment from a perusal of the whole; a few phrases maliciously selected and falsified by typographical artifice, can only lead to misapprehensions and fallacious conclusions.

ment of a patrician order, and several other measures; but his advice was no more than a confidential disclosure of his own particular opinions, and not combined with any proposition for giving effect to measures which might result from it. CHAP. XXI. 1773.

In the state of mind which prevailed in America, a temperate view of these letters could not be expected; passion, interest, and faction, combined in the efforts to render the writers universally odious. The committees of correspondence printed and inclosed in a circular address, the letters of the governor and lieutenant-governor, and the resolves of the assembly: the ferment became general; town meetings were held, and violent resolutions adopted; one town even declared it was better to risk their lives and fortunes in defence of their rights, civil and religious, than to die by piece-meal in slavery. Their effect in America.

While the spirit of opposition was at the utmost height, intelligence was received of the act of the British legislature, permitting the East India Company to export tea, free from duty, to all parts of the globe, while it was charged with a duty of threepence per pound on its arrival in America*. Since the non-importation agreements, the colonists had been principally supplied with tea smuggled from Holland; as the duty taken off in England was one shilling per pound, if the introduction was now permitted, its cheapness would form an irresistible counteraction to the non-importation covenants, and a duty would be received by England from America, notwithstanding all the efforts of opposition. The press again poured forth a torrent of invective, and imputed every sinister design to the mother-country; the duty on tea was represented as a prelude to various other impositions, and the colonists were taught to expect a window-tax, a hearth-tax, a land-tax, and a poll-tax, as immediate and inevitable consequences. Effect of the act for exporting tea.

* See Macpherson's Annals of Commerce, vol. iii. p. 545.

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Several of the provinces, influenced by these representations, compelled the consignees of tea to renounce their agency, and entered into strenuous resolutions against purchasing or permitting it to be landed. In Boston the same attempts were made; but the consignees, instead of yielding to the commands of the populace, implored protection of the governor, who immediately convened the council, and submitted the petition to their consideration. The council declined giving advice; the mob surrounded the houses of the consignees, and on their still refusing to renounce their employ, broke their doors and windows, and compelled them to take refuge in Castle William; the governor's proclamation for suppressing this riot was contemned and derided, and the sheriff insulted while attempting to read it.

Proceedings at Boston.

19th Nov.

The most violent opposition to the landing of tea being now expected, the first ship which arrived was detained below Castle William. An assembly of the people was convoked at the Old South meeting-house, called a Body-meeting: this convention differed from a town-meeting, by being open to all persons, without inquiry as to qualification. It consisted of several thousands, collected, not only in Boston, but from all the circumjacent towns: the owner of the tea ship was summoned before them, and required to bring his vessel to the wharf; his compliance, as they knew, compelled him to enter his cargo at the custom-house, and he accordingly reported his tea, after which twenty days were allowed to land it, and pay the duty.

Arrival of a ship.

Body-meeting.

The body-meeting having thus succeeded in creating a difficulty, passed a resolution, that the tea should not be landed, nor the duty paid, but return in the same bottoms in which it was brought. This was placing the captain in an inextricable dilemma; for as the ship had been compelled to come to the wharf, and was entered at the custom-house, it could not be cleared out without the previous payment of

the duties, nor could the governor grant a permit for the vessel to pass Castle William, without a certificate from the custom-house.

The body-meeting then appointed a military guard, to watch the ship every night till further orders. The consignees having been compelled to seek refuge from the fury of the populace, the council had declined interfering, and the governor persevered in that line which the law marked out as his duty: his inflexibility in this point was opposed by an equal obstinacy on the part of the town's people, who rejected, with disdain, the offer of the consignees to land the tea, and store it under the care of the select men, or a committee of the town, till they could receive further orders from England.

Tea thrown into the sea.

Two more ships were now arrived, when the military guard was unexpectedly withdrawn, or the renewal omitted. A numerous mob, in the disguise of Mohawk Indians, suddenly sallied forth, boarded the ship, split open the chests, and committed the cargoes of tea to the waves.

Proceedings in other provinces.

Measures were adopted in other provinces to prevent the landing; some ships were compelled to return without coming to anchor, and several cargoes were destroyed; but in no other place was such a systematic and overbearing spirit of opposition manifested as in Boston.[w]

Impeachment of the chief justice.

The assembly were too much animated with the popularity of the late proceedings to omit any opportunity of renewing personal contests with the governor. In the last session they declared, that judges, who received salaries from the crown instead of the people, would no longer enjoy the public confidence and esteem, and it would be the indispensable duty of the province to impeach them before the governor and council. Not intimidated by these threats, the judges refused to accept more than half

24th Feb. 1774.

[w] Stedman---Massachussetensis, Letter iv.

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of the sums granted by the house of representatives, who, in this session, put their menace in execution, by voting articles of impeachment against Peter Oliver, Esq. Chief Justice of the superior court of Judicature, charging him with a design to subvert the constitution of the province, and to introduce into the court over which he presided a partial, arbitrary, and corrupt administration of justice, in consequence of which he had declined receiving grants of the general assembly, but accepted an annual stipend from His Majesty's ministers.

His letter.

In a letter addressed to the House, the magistrate remonstrated, that during the seventeen years he had been in office, he was unconscious of any violation of the laws in his judicial capacity; he had sustained, by privation of business, and the insufficiency of his stipends, a loss exceeding three thousand pounds sterling; he had not solicited a salary from the King, but when it was offered, duty and gratitude to the best of sovereigns induced him to accept the munificent donation. This appeal was insufficient to disarm the fury of the assembly; the impeachment was voted by a large majority[x]; but the governor disclaiming any authority to try and determine high crimes and misdemeanors, refused to receive it. The representatives, however, persevering in their attempt, and renewing the impeachment in another form, Hutchinson dissolved the assembly. His speech was couched in terms of severe reprehension: he said, "As some of your votes, resolves, and other proceedings, which you have suffered to be made public, strike directly at the honour and authority of the King and parliament, I may not neglect bearing public testimony against them, and making use of the power vested in me by the constitution, to prevent your further proceeding in the same way."

30th Mar. Assembly dissolved.

[x] 92 to 8.

CHAPTER THE TWENTY-SECOND.

1774.

Meeting of parliament.—King's speech. — Peace establishment.— Mr. Woodfall and Mr. Horne brought before the house of commons for a libel — and discharged. — Act for trying the merits of controverted elections made perpetual. — Petition from Massachuset's Bay heard before the privy-council. — Dr. Franklin dismissed from the Post-office. — American papers laid before parliament. — The King's message. —Bill for shutting Boston port.— Its progress through the house of commons. — Petition from the Americans resident in London. — Opposition in the house of lords. —Bill for regulating the government of Massachuset's Bay. — Proceedings in the house of commons. — Protest in the upper house. — Bill for the impartial administration of justice in America.—Opposition in the lower house. — Debates and protest in the lords. — Second petition from the Americans in London. — Motion for repealing the duty on tea. — Mr. Burke's famous speech. — Lord Chatham's speech on American affairs. — Bill for the government of Canada. — View of the bill — And of the opposition, and defence in both houses. — Petition from the Penn family — And from the Canada merchants. — Evidence examined. — Petition to the King. —Miscellaneous acts of the legislature. — Close of the session. — King's speech.

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THE extent of American disturbances was not fully known when the British parliament assembled. The King, in his speech, reviewed the state of the continent, and anticipated a long duration of peace; he recommended attention to internal and domestic improvement, and mentioned the deteriorated state of the gold coin, as an object claiming peculiar exertions. The address was carried in both Houses without division or debate.

13th Jan. 1774. Meeting of parliament. King's speech.

The early part of the session was employed in fixing the number of seamen and soldiers on the peace establishment; on Mr. Sawbridge's annual motion for shortening the duration of parliament; and on Sir

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George Savile's similar effort to procure a bill for securing the rights of electors, and for declaring the proceedings relative to the Middlesex election illegal; both which were rejected.

11th Feb. Woodfall and Horne brought before the house of commons.

Some attention was also excited by the proceeding against Henry Sampson Woodfall, printer of the Public Advertiser, and the Rev. John Horne, for a libel on the speaker of the house of commons, charging him with injustice and partiality. Sir Fletcher Norton complained to the House, and having obtained the testimony of Alderman Sawbridge, who knew the progress of the affair, in favour of his rectitude, declared himself satisfied, and expressed contempt of the imputations of faction.

Mr. Herbert, conceiving the dignity of parliament degraded, if a matter of such importance passed with impunity, moved for bringing the printer before the House. Sir Joseph Mawbey thought the intention of the libeller was to injure the liberty of the press, and create a variance between the King and the city, and therefore wished the House to abstain from noticing the libel, and referred the speaker to the courts of law for redress. Mr. Fox, agreeing with Sir Joseph respecting the views of the writer, differed in his conclusions. The letter was full of such flagrant falsehoods, that no man of sense could place belief in it; but, was any member, much less the speaker, to be so grossly libelled, and obliged to descend to a law-suit? No! he hoped they would always maintain their prerogative, and protect themselves; it would be no less absurd, he said, for them to appeal to an inferior court, than for the court of king's bench to apply for protection to the court of common pleas. The consequences arising from the motion were dreaded, because the lenity formerly shewn had led printers to conceive themselves entitled to libel any member, and if suffered to proceed, they would next claim, as a privilege, the right of libelling whom they pleased. After a debate of some length, in which a resistance to

the order of the House, by some alderman ambitious of popularity, was anticipated, and the futility of the claim of the city to obstruct the execution of the speaker's warrant, fully established, the paper was unanimously voted a libel, and the printer ordered to attend.

14th Feb. Mr. Woodfall obeyed without hesitation, and, on his interrogatory, declared the Rev. John Horne author of the obnoxious paper. A strenuous debate ensued, in which lord North proposed committing the printer to the Gatehouse, and Mr. Fox recommended Newgate; but he was ordered to be taken into custody by the serjeant at arms. After some demurs relative to the summons, Mr Horne was brought before the House. He extricated himself from the accusation with great dexterity; having attempted to remove the imputation of contumacy, he inquired whether Mr. Woodfall's declarations were to be taken as evidence, or as the charge against him: after some hesitation, he was told, they constituted the charge, and pleaded, as in any other court, *not guilty*. The House was embarrassed: Mr. Woodfall was again called and confronted with Mr. Horne; but as he was implicated in the guilt of the publication, his testimony was deemed insufficient to warrant conviction. Three of Mr. Woodfall's journeymen afterwards attended; they failed, however, in proving the accusation, and Mr. Horne was discharged.

17th.

18th Feb. And discharged.

25th Feb. Grenville act made perpetual.

Sir Edward Stanley, anticipating a general election, moved for leave to bring in a bill, to render perpetual the law, introduced under the auspices of the late George Grenville, for trying controverted elections by committees. The motion produced an animated debate, in which the question was not treated as an affair of party, but discussed freely on the merits. The principal objections against rendering the act perpetual, were, the approach of a general election, which would afford opportunities of making more decided experiments of its benefits; and the impropri-

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ety of the House surrendering its own privileges. In answer to the first, it was stated, that five instances had already occurred, and not one trial had been improperly decided. Mr. Dunning humourously apologized for supporting the motion. "No person," he said, "had a juster right to resist the bill than himself, it had done him great injury; for, since the act, not one trial had come into Westminster-hall: and he was confident, were it made perpetual, there never would be one." In answer to the argument against the resignation of privileges, the improper means used to influence members in former times were detailed by Lord GeorgeGermaine. "The parties used," he said, "to apply to one set of the House to be their managers, another set to give their attendance and interest; to a third set, with whom they were intimate, they would apply for their vote; and to the lazy part of the house, they would say, We won't trouble you to attend the dry examination of witnesses; only let us know where you will be, and when the question is going to be put, we'll send you a card." The motion was at length carried[a], and the bill passed.[b]

[a] 250 to 122.

[b] The merits of this celebrated law are thus elegantly described by Dr. Johnson: "The new mode of trying elections, if it be found effectual, will diffuse its consequences further than seems yet to be foreseen. It is, I believe, generally considered as advantageous only to those who claim seats in parliament: but, if to chuse representatives be one of the most valuable rights of Englishmen, every voter must consider that law as adding to his happiness which makes his suffrage efficacious; since it was in vain to chuse while the election could be controuled by any other power. With what imperious contempt of ancient rights, and what audaciousness of arbitrary authority, former parliaments have judged the disputes about elections, it is not necessary to relate. The claim of a candidate, and the right of electors, are said scarcely to have been, even in appearance, referred to conscience; but to have been decided by party, by passion, by prejudice, or by frolic. To have friends in the borough was of little use to him who wanted friends in the House; a pretence was easily found to evade a majority, and the seat was at last his, thatwas chosen, not by his electors, but his fellow senators. Thus the nation was insulted with a mock election, and the parliament was filled with spurious representatives; one of the most important claims, that of a right to sit in the supreme council of the kingdom, was debated in jest, and no man could be confident of success from the justice of his cause. A disputed election is now tried with the same scrupulousness and solemnity as any other title. The candidate that has deserved well of his neighbours may now be certain of enjoying the effect of their approbation; and the elector who has voted honestly for known merit may be certain that he has not voted in vain." See The Patriot, Johnson's Works.

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The ministry having now received full intelligence of the late transactions in America, were preparing to submit to parliament measures of correction and prevention. The petition from the legislature of Massachuset's Bay was heard before the privy-council; Dr. Franklin, as agent for the house of representatives, was examined as a witness, and fully avowed his own flagitious conduct in obtaining and publishing the letters which had excited so much rancour. Mr. Wedderburne, who attended as counsel for the governor, delivered an animated and eloquent oration against the conduct of Dr. Franklin; the petition was declared groundless, vexatious, and scandalous, and Dr. Franklin deprived of his office of deputy post-master general for the colonies.[c]

Petition from Massachuset's Bay heard before the privy council. 29th Jan.

Franklin is deprived of his office.

The information from America excited considerable alarm and eagerness in the public; when Lord North, having previously intimated his intentions, submitted to parliament the papers relative to the destruction of tea. They were introduced by a message from the throne, stating that unwarrantable and outrageous proceedings, obtructing the na-

American papers laid before parliament. 4th Mar. 7th. King's message.

[c] Dr. Franklin himself speaks of these transactions in the following terms: "This petition was heard before a committee of the lords of the privy council, where an illiberal lawyer was hired and permitted to abuse the petitioners, and their agent, in the grossest terms scurrility could invent; and the lords reported, that the petition was groundless, vexatious, and scandalous, and calculated only for the seditious purposes of keeping up a spirit of clamour and discontent in the province. That nothing had been laid before them which did, or could in their opinion, in any manner, or in any degree, impeach the honour, integrity, or conduct, of the governor or lieutenant-governor." Before this discussion in the privy council, Dr. Franklin, in consequence of a duel between Mr. Whately a banker, brother of the late secretary to the treasury, and Mr. Temple, lieutenant-governor of New Hampshire, avowed himself alone to be the person who obtained the letters, and transmitted them to Boston. See Annual Register, 1773, p. 152. After the decision of the privy-council, the effigies of Mr. Wedderburne and governor Hutchinson were, by the populace of Boston, placed in a cart, with rancorous and scurrilous libels, and after being exposed several hours, hung and burned. I was in hopes of obtaining an authentic minute of Mr. Wedderburne's celebrated speech, of which, I am assured, no correct outline has yet been given to the public; but am disappointed; all I have been able to learn is, that the eloquent and indignant advocate applied to Franklin the lines from Juvenal,

"* * * * * Sed quo cecidit sub crimine? Quisnam,
"Delator? Quibus indiciis? Quo teste probabit?
"*Nil horum Verbosa et grandis epistola venit.*"

"It would be an eternal stigma," he added, "on the name of Franklin, to call him a man of letters."

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tional commerce, and subversive of the constitution, having been adopted in North America, and particularly at Boston, the King thought fit to lay the whole matter before parliament; confiding in their zeal for his authority, and attachment to the welfare of all his dominions, for effectual powers to put an immediate stop to those disorders; and for further regulations, and permanent provisions, for better securing the execution of the laws, and the just dependence of the colonies on the crown and parliament of Great Britain. Loyal addresses were unanimously returned.

11th.

On the documents presented to parliament, which exceeded one hundred, and consisted of copies and extracts of letters from the different magistrates and officers in America, the votes and resolutions of the inhabitants of Boston, and other interesting communications, Lord North founded a motion for a bill to remove the revenue officers from Boston, and to discontinue the landing and shipping of merchandize at the town or within the harbour.

Bill for shutting Boston port.

Lord North's speech.

In recommending this measure, the minister asserted, that the present disorders were entirely occasioned by the inhabitants of Boston: our commerce could not be secure while it remained in that harbour, where the officers of the customs had been thrice prevented from doing their duty; and stated the necessity of finding some other port, where the laws could afford full protection. Anticipating an objection that, in a measure so general, some innocent persons would suffer with the guilty; he said, where the authority of a town had been, as it were, asleep and inactive, it was no new thing for the whole town to be fined: he instanced the city of London, in the reign of Charles II. when Dr. Lamb was killed by unknown persons; the case of Edinburgh, in captain Porteus's affair; and Glasgow, where the house of Mr. Campbell was pulled down, and part of the revenue of that town was sequestered for the purpose of indemnity. Boston, he observed, did not stand in so

fair a light as either of these places, for it had been upward of seven years in riot and confusion. He then detailed the proceeding with respect to the tea ships, and denounced it as a most violent outrage, by people who could not, in any shape, claim more than the natural privilege of trading with their fellow subjects. The violence of Boston had influenced the rest of the continent; Boston was alone to blame, and should alone be the object of punishment. A clause in the bill would prevent the crown from re-establishing the harbour, till full satisfaction was made to the East India company for the loss of their tea; and this not as a tax, but by requisition. He should be happy that the promoters of the disturbances were discovered, and compelled to make reparation; but as they were unknown in England, Boston would, no doubt, endeavour to discover them, or pass acts of their own assembly to levy the money in the most equitable manner. He always regretted the necessity of punishment, and therefore hoped for that unanimity which would give strength to the measure. He trusted all would agree with him, peers, members, and merchants, and all would animadvert upon such parts of America as denied the authority of this country. We must punish, controul, or yield to them.

Some slight opposition was made, principally by Mr. Dowdeswell, who inquired for evidence of general concurrence in the inhabitants of Boston; he said, the examples of punishment which had been mentioned were not similar to the present case; the obligation on the counties to compensate for losses between sun and sun was an ancient regulation not enacted for a particular purpose; but this would be an *ex post facto* law. The case of a corporation was also different; they chose their own officers, while the magistrates of Boston were elected by the province at large. Would the House condemn without evidence, in the absence of the parties? The motion

Opposed by Mr. Dowdeswell.

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was, however, supported by some opposition members, and carried without a division.

18th and 21st Mar. 25th. Petition of Americans in London.

The bill was twice read, and committed without opposition: but, in the committee, the lord mayor, Mr. Bull, presented a petition from several natives of North America resident in London. They claimed, as an inviolable rule of natural justice, that no man should be condemned without being called upon to answer, to hear evidence, and make a defence. But under the intended bill, no individual or corporate body in America could enjoy security; for should judgment immediately follow an accusation, supported even by persons notoriously at enmity with them, the accused, unacquainted with the charge, and from the nature of their situation incapable of defending themselves, every fence would be pulled down, justice no longer be their shield, nor innocence an exemption from punishment. The petitioners hardily asserted that justice was executed by law, with as much impartiality in America as in any other part of His Majesty's dominions; distinguished between the case of Boston and those of London and Edinburgh mentioned in Lord North's speech: and attempted to fix the blame of the tumults on the governor, who had omitted to restrain them by means of the executive force. They declared a proceeding of such excessive rigour and injustice would sink deep in the minds of their countrymen, and tend to alienate their affections. The attachment of America, they said, cannot survive the justice of Great Britain; and if the Americans see a new mode of trial established for them, which violates the sacred principles of natural justice, it may be productive of national distrust, and extinguish those filial feelings of respect and affection which have hitherto attached them to the parent state.

Amendment moved.

After the reading of this petition, Mr. Rose Fuller moved an amendment, mitigating the rigour of the original proposal into a fine. The Bostonians, he said,

would refuse to remit money to pay their debts; and numerous confederacies would be created; the bill could not be carried into execution without a military force: if a small number of men were employed, the Boston militia would cut them to pieces; and if a large number, the Americans would seduce them. CHAP. XXII. 1774.

The proposition of a fine was opposed as tending to increase the difficulty, and Lord North said, though he was no enemy to lenient proceedings, he found resolutions of censure and warning unavailing, and coercive measures necessary. "Now is the time," he said, "to persist, to defy them, to proceed with resolution, and without fear. This bill should convince all America of our firmness and vigour; but that conviction would be lost did they perceive in our councils hesitation and doubt." In answer to the suggestion that the Americans would withhold the payment of their debts to British merchants, he said, they used similar threats unless the stamp act were repealed; but, although they obtained that point, they did not pay their debts, and he believed their conduct would be the same on this occasion. If parliament were to be influenced by such threats, all remedies would become nugatory, and the proposed fine could be as effectually resisted as the operation of the bill. He denied that a military force would be necessary to enforce the act, as four or five frigates would suffice; but were it necessary, he should not hesitate to compel due submission to the laws. "If their disobedience to this act," he continued, "is to produce rebellion, that consequence belongs to them, not to us; they alone occasioned it; we are only responsible for the equity of our measures; firmness, justice, and resolution, alone can secure obedience and respect to the laws, and security to trade." Opposed by Lord North.

The debate was maintained with considerable ability, and at much length: the principal speakers in favour of Lord North's measure were, Messrs. Gascoigne, Montagu, Stanley, Ward, Jenkinson, and General Conway. On the other side were Mr. Byng

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and Mr. Dempster. The necessity of shewing resentment by punishment being, however, generally admitted, and the difference arising only as to the mode, the committee adopted the original proposal without alteration.

On the third reading, Mr. Fox, for the first time, appeared in opposition, and particularly censured the clause which vested in the crown the power of restoring the port. It confided to the King that authority with which parliament was afraid to trust itself. The quarrel was with parliament, and parliament was the proper power to end it. He was answered by Mr. Phipps, who shewed the propriety of continuing to the throne that which had always been its attribute, mercy; nor could the restoration of the port be so well vested in the legislature, for parliament might happen not to be sitting at the moment when the exercise of lenity became proper.

The debate assumed, for a moment, a new colour from the intemperance of Mr. Van, who, descanting on the flagitiousness of the offence committed by the people of Boston, said, their town ought to be *knocked about their ears* and destroyed. "*Delenda est Carthago!*" he exclaimed: "you will never obtain proper obedience to the laws until you have destroyed that nest of locusts."

This excessive vindictiveness called up Colonel Barré, who earnestly deprecated such language: he expressed approbation of the bill, although he feared it was intended to involve the fatal doctrine of taxation. "I have not a doubt," he said, "but a very small part of our strength will at any time overpower the Americans. I think this bill moderate; but I augur that the next proposition will be a black one. You have not a loom, nor an anvil, but what is stamped with America; it is the main prop of your trade."

The clauses objected to were acquiesced in without a division, and the speaker put the question for passing the bill.

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Mr. Fox then revived his objections, in order, he said, to shew on the journals that some member had resisted those clauses.

Mr. Dowdeswell opposed the whole principle of the bill; censured the celerity of passing it, which prevented the tendering of petitions from the manufacturers whose interests it would affect; blamed the selection of Boston for signal vengeance, when many other places had been equally culpable, and considered the measure more likely to injure the merchants of England than the delinquents in America.

Mr. Burke derided the notion of a local remedy for a general disorder. One town in proscription, the rest in rebellion, can never be a remedial measure for general disturbance. "Have you considered," he said, "whether you have troops and ships sufficient to enforce an universal proscription to the trade of the whole continent of America? If you have not, the attempt is childish, and the operation fruitless." He blamed Governor Hutchinson, for not having recourse to the assistance of the military, who, it appeared from the papers on the table, could have quelled the riot, though not without killing many unoffending people; but the fault of the governor ought not to be the means of punishment on the innocent. Universal discontent prevailed throughout America, he said, from an internal bad government. He wished to see a new plan of legislation in that country, not founded on the laws and statutes of Great Britain, but on the vital principles of English liberty.

Mr. Burke was answered by Mr. Grey Cooper, who expressed surprize and sorrow at hearing him upbraid government for not using military force. "It has been said," he continued, "that the Americans cannot be heard in their own defence before this measure takes effect. Look at the papers on the table, where you see the resolutions of their public meetings, ordered to be transmitted for our informa-

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tion." After such a defiance, could they be expected to appear at the bar, and defend themselves by those laws which they expressly refused to obey? He compared the mode of punishment to the black act, where the whole hundred, although not present, is fined for the misconduct of individuals. The bill was framed for the protection of trade; it was a mild measure, and if opposed in America, the result would make the punishment.

Alderman Sawbridge also opposed the bill, and Governor Johnstone predicted that it would occasion a general confederacy to resist the power of Great Britain: it would be no more prejudicial and absurd to prevent the inhabitants of Middlesex from sowing corn, than to hinder the town of Boston from reaping profit from their trade and merchandize.

Lord North ably vindicated his measures, as founded on justice, and the most eligible under all circumstances; he opposed the suggestion that a foreign enemy would take advantage of our contest with the colonies, by declaring the time of peace to be the only period for regulation, and the present time the crisis when the dispute ought to be decided.

Bill passed.

The bill passed without a division.

Opposition in the house of lords.

In the house of lords it was actively opposed by the Earl of Shelburne, who presented a petition from the natives of America resident in London, similar to that submitted to the House of Commons.

Lords Mansfield, Gower, Lyttleton, Weymouth, and Suffolk, supported the bill, which was opposed by the Dukes of Richmond and Manchester, the Marquis of Rockingham, and Lords Camden, Shelburne, and Stair. It passed the house in five days, and no protest was entered on the journals.[d]

30th Mar. Bill passed.

[d] See History of Lord North's Administration, p. 136. Soon after the address was voted on the presentation of the papers, Mr. Bollan, agent for the council of Massachuset's Bay, presented to the House of Commons a petition, which was received, and ordered to lie upon the table. During the progress of the bill he tendered another petition, in the same character, but the House refused to admit it, alleging that the agent of the council alone was not competent to appear for the

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Bill for regulating the government of Massachuset's Bay. 28th Mar.

On introducing the Boston port bill, Lord North said it was not the only measure he intended to propose; other parts of more nice disquisition would still remain for future consideration. Accordingly, while the Boston port bill was yet depending in the Lords, he laid before the lower house, in a committee, the plan of a law "For better regulating the government of Massachuset's Bay."

Lord North's speech.

He said, the papers would render indisputable the want of an executive power in that country, and the necessity of strengthening the magistracy; the force of the civil power consisted in the *posse comitatus*, and considering that *posse* as the very people who had committed all the riots, the preservation of the peace could not be expected from them. The constitutional power appeared totally defective. If the democracy shewed contempt of the laws, the governor had no authority to appoint a magistrate willing to enforce them, nor to remove one who would not act; that power was vested in the council, whose dependence was on the democratic part of the constitution. If the governor published a proclamation, there was hardly found a magistrate to obey it; nor could he issue any order without the consent of seven of the council; government was in so forlorn a situation, that no governor could enforce obedience; nor, with such a want of civil authority, could it be supposed that the military, however numerous, could be serviceable. To remedy these evils, the minister proposed that the governor should act as a justice of peace, with power to appoint civil officers, such as sheriffs, and provost-marshal, (the chief-justice and judges of the supreme court excepted,) removeable only by the King, under his sign

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whole corporation. This refusal was warmly censured, as creating an inconsistency between the proceedings of the two houses, and between two proceedings of the same house; and it was said, as similar reasons would apply against all the American agents, parliament would thus cut off all communication between themselves and the colonists whom their acts most immediately affected.

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manual, and upon good representations made in England. The irregular assemblies, or town-meetings held in Boston, were no longer to be convened without the consent of the governor, unless for the annual election of certain officers, whom it was their province to choose; and the nomination of juries required regulation. The minister professed himself open to the effects of discussion, and inclined to reform his opinions where erroneous; he conceived some immediate and permanent remedy necessary, and submitted the bill as tending to purge the constitution of Massachuset's Bay of all its crudities, and give strength and spirit to the civil magistracy and executive power.

After a few unimportant observations, and an explanation from Lord North, informing the House that nothing in the bill was intended to affect the legislative power of either the council or assembly, Lord George Germaine expressed a wish that the minister had made his scheme more extensive. He approved the abolition of town-meetings, and declared it highly improper for men of a mercantile cast to assemble daily, for the purpose of debating on political matters; they should follow their occupations as merchants, and not consider themselves as ministers of the country. He recommended that the council of Massachuset's Bay should be put in the same state with those of other colonies: the formation of juries he particularly exposed, as replete with absurdities; the grand juries were chosen for life, with a yearly salary. The petty juries were elected annually from each town; thus offenders against government were enabled to insure immunity, at the expence of law and justice. These juries, he said, were totally different from those of England, and required great regulation. He wished the council of Massachuset's Bay to be rendered similar to the house of lords; and advised the adoption of such a system as would obviate the necessity of asserting the rights of parliament by words,

Lord George Germaine's suggestions.

while the colonies denied their authority, and prevented the execution of their laws.

Lord North complimented Lord George Germaine's propositions as the offspring of a great mind, and promised to reserve them for the consideration of abilities superior to his own; the charter, he said, ought not to form an obstacle to the regulation of those defects in the colonial constitution which prevented the restoration of tranquillity.

Some opposition was made by Mr. Phipps, and by Mr. Pownall, who minutely investigated the constitution of Massachuset's Bay, where he had been governor, and affirmed the Americans to be a conscientious, good, religious, peaceable people, not less respectable than any His Majesty's dominions could produce.

15th April. Debates on the bill.

After the Easter recess, the minister presented his bill to the House, considerably altered from the original outline: the nomination of the council was vested in the crown; they were to have no negative voice, nor were the lieutenant-governor and secretary to be members, unless appointed by the King. The general functions of the council remained almost unaltered, except in the nomination of judicial officers. The mode of choosing juries was reformed according to Lord George Germaine's suggestion; but Lord North acknowledged this to be a regulation of peculiar delicacy, which, if the House required it, he would make the subject of a separate law.

The principal opposition at the introduction of the bill was made by Mr. Dowdeswell, who said it was calculated to destroy the charter of Massachuset's Bay. The Americans had laboured with unwearied industry, and flourished nearly four-score years, under that democratic charter; they had increased their possessions, and improved their lands, to an unexpected degree; and England had reaped the benefit of their labour: yet it was intended to abrogate that very charter which had so long subsisted to the

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mutual benefit of England and America. "The charter," he said, "breathes a spirit of liberty superior to any thing either of the former or present times. It was granted in King William's days, and is more adapted to the spirit of a free people than any that can possibly be framed by a minister in these times." Applying the metaphor so frequently used of a parent and child, he compared the conduct of the mother-country to those perverse and splenetic exertions of authority in parents, by which evil dispositions in their offspring are fermented, and lasting animosities implanted in the bosoms of both.

Governor Pownall described several points of American polity, which appeared to be misunderstood, or misrepresented. The council were elected by the legislature, and not by the people at large; the select men were similar to the aldermen in English corporations. Great inconvenience would arise from the suspension of the town-meetings, where all municipal business was transacted, till the governor's consent could be obtained, as the towns were, in many places, three hundred miles distant from the capital.

During the progress of this, and another act, the opposition increased in strength and resolution. On

22d April.

the second reading, a strenuous debate took place: Sir George Savile warmly deprecated the abrogation of charters without hearing the parties, or going through a legal course of evidence.

He was answered by Mr. Welbore Ellis, who considered chartered rights by no means so sacred as never to be altered; the prerogative of granting them vested in the crown for the good of the people; if the legislature found charters, so granted, repugnant to public utility, they had a right to make them fit and convenient. The legislature would not take away private property without a full recompence; but in public regulation they were entitled to correct, control, or deprive, as might best suit the public welfare. With respect to evidence, he deemed the papers on the table

amply sufficient, as they proved the governor's application to the council for advice, their neglect; the petition of the inhabitants to the council for protection, their contumacious adjournment for ten days, while the governor was unable to act without their opinion, and finally their resolution, declaring the total insufficiency of their power. This was evidence competent to ground the bill, which had no further object than to remedy two defects stated by themselves: a form of government incapable of protecting property, ought to be altered.

General Conway observed, the papers proved nothing, unless the allegations of the parties inculpated were heard. The Americans had only acted as every subject would act in an arbitrary state where laws were imposed against their will; he predicted certain misfortune, and probable ruin, from the measure before the House.

Lord North shewed the absurdity of postponing the assistance to be expected by the subject for a whole twelvemonth, in expectation of hearing at the bar, men who, having disclaimed all obedience to government, would most probably not appear. "The Americans," he said, "have tarred and feathered your subjects, plundered your merchants, burnt your ships, denied all obedience to your laws and authority; yet so clement, and so long forbearing has been our conduct, that it is incumbent on us now to take a different course. Whatever may be the consequence, we must risk something; if we do not, all is over."

Mr. Jenkinson, on the subject of chartered rights, observed, that where the right was a high political regulation, parliament was not bound to hear the parties, but only where private property was concerned. Long-continued opposition to authority, refusal of protection to His Majesty's subjects, and disobedience of the laws, had rendered it necessary either to forsake the trade with America, or to afford it due protection.

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Governor Pownall, declaring that he spoke for the last time on the subject, uttered a most extraordinary prediction. He said, "The measure you are pursuing *will be resisted, not by force, or the effect of arms, but a regular united system.* I told this House four years ago that the people of America would resist the tax then permitted to remain on them — that they would not oppose power to power, but they would become implacable. Have they not been so from that time to this very hour? *I tell you now, that they will resist the measures now pursued in a more vigorous way. The committees of correspondence in the different provinces are in constant communication — they do not trust in the conveyance of the post-office — they have set up a constitutional courier, which will soon grow up to the superseding of your post-office. As soon as intelligence of these affairs reaches them, they will judge it necessary to communicate with each other. It will be found inconvenient and ineffectual so to do by letters — they must confer. They will hold a conference — and to what these committees thus met in congress, will grow up, I will not say.* Should recourse be had to arms, you will hear of other officers than those appointed by your governor. Then, as in the late civil wars of this country, it will be of little consequence to dispute who were the aggressors, — that will be merely matter of opinion."

After some conversation on the right of taxing America, Sir Richard Sutton closed the debate, by insisting that in the most quiet times the disposition to oppose the laws of this country was strongly ingrafted in the Americans, and all their actions conveyed a spirit and wish for independence. "If you ask an American," he said, "who is his master? he will tell you he has none, nor any governor, but Jesus Christ." The opposition to the legislature of this country is a determined prepossession of the idea of total independence.

On the third reading, the debate was no less strenuously maintained. Mr. Dunning, in a long and critical review of the proceedings from the beginning of the session, compared the people of Massachuset's Bay to prisoners who had surrendered at discretion, and denied that any proof was adduced, or even alleged on the face of the bill, which could justify the inculpation of treason, or warrant the intended severity. "If there is treason," he said, "there are traitors; let them be discovered, and brought to condign punishment." He entered into a long discussion to prove the charter of Massachuset's Bay not more defective than those of other colonies, and deprecated the measure before the House, as tending to disunite the affections of the American subjects from this country; and, instead of promoting peace, order, and obedience, to produce nothing but clamour, discontent, and rebellion.

The right of parliament to tax America was ably vindicated by Sir William Meredith; and Mr. Stanley, viewing historically the rise of American government, shewed how those erroneous opinions of independence had originated, which now claimed the correction of government.

Mr. Thomas Townshend, although an opposition member, supported the bill in an honourable and manly speech. He declared he should consider himself the lowest wretch on earth, if he suffered party prejudices to smother private opinion. Though averse to meddle with charters, he thought the inconveniences arising from the town-meetings justified an amendment. The juries were properly altered according to the constitution of this country.

Colonel Barré strongly reprobated the violence in both houses: in the lords the phrase was, *We have passed the Rubicon;* in the commons, *Delenda est Carthago.* He descanted on the flourishing state of French finances, and argued, that during our contest

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with the colonies, it was impossible that France should abstain from interfering.

Mr. Fox denied the right to tax America, considered the bill as one of pains and penalties, and recommended that the colonies should be governed by management rather than by force.

Mr. Thurlow, the attorney-general, declared, while the sovereignty remained in this country the right of taxing was never surrendered. The charter of Massachuset's Bay was a matter of mere legislative power; and no authority was given to control the right of taxation by Great Britain.

Mr. Burke deprecated measures of severity, and recommended a repeal of the tax on tea as the means of restoring peace and quietness; but although the Americans could not resist the force of Great Britain, a great black-book, and a great many red-coats, could not govern, they would make disturbances never to be quieted.

Lord North, sarcastically deprecating a reference to *natural rights*, denied that the bill destroyed any *civil rights;* no military government was established; but the civil government was altered. The measure was adopted as the best at present; he did not say it would succeed, but hoped for good consequences; if Massachuset's Bay was to be governed by management, no other measure appeared so feasible; and the return of the Americans to their duty, would re-animate the kindness of the mother-country.

After a few remarks from Sir George Savile, the bill passed.[e]

Opposition in the house of lords.

It was vehemently opposed in the upper house, but the debates are not preserved[f]. A protest in seven

[e] 239 against 64.

[f] The impoliey of not suffering debates to be published is strongly evident in this instance. The protest on the journals, and an able pamphlet, by Dr. Shipley, bishop of St. Asaph, called "A speech intended to have been spoken," convey all the arguments which could be urged against the measures of government, and both

articles was signed by eleven peers[8], and supposed to contain all the arguments of the minority. Many of its positions are mere recapitulations of arguments already noticed in the other house, on the forms of inculpation, the right of defence, and the sacredness of charters. The precipitation in passing the bill was censured, because if the numerous land and marine forces employed could not maintain order in the province till their charter could be legally tried, no regulation in that bill, or in any other, could be effectual; and the mere celerity of a decision against the charter would not reconcile the minds of the people to that form of government which was to be established on its ruins. The mode of appointing the council, and nominating the judges and sheriffs, was objected to as means of tyranny, injustice, and oppression. The lives and property of the people were subjected to the governor and council, without control: and the invaluable right of trial by jury turned into a snare for the public, who had hitherto looked upon it as their main security against the licentiousness of power. Finally, the bill was declared to be intended for the support of an unadvised system of taxing the colonies, in a manner new and unsuitable to their situation and constitutional circumstances. The free grants of the American assemblies would be far more beneficial, far more easily obtained, less oppressive, and more likely to be lasting, than any revenue to be acquired by parliamentary taxes, accompanied by a total alienation of the affections of those who were to pay them. The contradictions in conduct which had arisen since the repeal of the stamp act, and the many weak, injudicious, and precipitate steps, accompanying that conduct, were alleged to have kept up a jealousy which

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appear with an air of authority, while the ministry left their proceedings to be defended only by the ordinary means of the press; and their success in the House was converted into an argument of the impolicy of their measures.

[8] The division on the third reading of the bill was 92 to 20.

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was subsiding, revived dangerous questions, and gradually estranged the affections of the colonies from the mother-country, without any object of advantage to either. To render the colonies permanently advantageous they must be satisfied with their condition, and that satisfaction could only be restored by recurring to the wise and salutary principles on which the stamp act was repealed.

15th April. Bill for impartial administration of justice.

While this bill was pending, Lord North introduced another, "For the impartial administration of justice, in the cases of persons questioned for any acts done in execution of the laws, or for the suppression of riots and tumults in the province of Massachuset's Bay." By this law it was declared, if any person were indicted in that province for murder, or any other capital offence, and it should appear to the governor, by information on oath, that the fact was committed in the exercise or aid of magistracy, in suppressing tumults and riots, and that a fair trial could not be had in the province, he should send the person so indicted to any other colony, or to Great Britain, for trial. The charges on both sides to be borne out of the customs in England, and the act to continue in force four years.

Opposition and debates in the house of commons.

As the bill for regulating the government, and that for the administration of justice in Massachuset's Bay, were before the House at the same time, the arguments of a general nature frequently applied to both, and the opposition was uniformly conducted.

On moving for leave to bring in this bill Lord North expressed his hope that it would effectually secure the province from future disturbances. He then detailed the principal regulations, and proposed it as the last measure to be taken by parliament, after which vigilance and firmness in His Majesty's servants would alone be required.

Colonel Barré, with reluctance resisted a measure in its infancy, before its features were well formed, but blamed himself for his previous moderation. He

supported the Boston Port Bill, though in many respects cruel, unwarrantable, and unjust; it was a bad way of doing right, yet right was its object, and he would not, by opposing it, seem to countenance the violence which had been committed. But this proposition was so glaring; so unprecedented in parliamentary proceedings; so unwarranted by any delay, denial, or perversion of justice in America; so big with misery and oppression to that country, and with danger to this, that he was alarmed and roused to opposition. It was proposed to stigmatize a whole people as persecutors of innocence, and incapable of justice; yet no single fact was or could be produced to ground that imputation: the instances of Captain Preston and Mr. Otis were decidedly adverse to the proposition. The acts of our government, on the contrary, had been, for many years, a series of irritating and offensive measures, without policy, principle, or moderation. "Have not your troops and your ships," he exclaimed, "made a vain and insulting parade in their streets and in their harbours? You have studiously stimulated discontent into disaffection, and you are now goading that disaffection into rebellion. Can you expect to be well informed, when you listen only to partizans? Can you expect to do justice, when you will not hear the accused?" He then examined as precedents, the suspension of the Habeas Corpus act in 1745—the subjecting smugglers to trial in Middlesex, and the Scotch rebels in England, and proved them all incompetent to support the measure. Proceeding to investigate the military character, the colonel declared the bill a prelude to insolence and outrage, and that every passion pernicious to society would be let loose upon a people unaccustomed to licentiousness and intemperance. "I have been bred a soldier," he observed, "have served long, respect the profession, and live in the strictest habits of friendship with many officers: but no country gentleman in the House looks on the army with a more jealous eye, or would more strenuously resist the set-

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ting them above the controul of civil power. No man is to be trusted in such a situation. It is not the fault of the soldier, but the vice of human nature, which, unbridled by law, becomes insolent and licentious, wantonly violates the peace of society, and tramples upon the rights of human kind." He implored the House not to pursue measures tending to exasperate the Americans. "Alienate your colonies," he said, "and you will subvert the foundation of your riches and strength. Let the banners of rebellion be once spread in America, and you are an undone people. You are urging this desperate, this destructive issue: you are urging it with such violence, and by measures tending so manifestly to that fatal point, that (but that a state of madness only could inspire such an intention) it would appear to be your deliberate purpose. You are becoming the aggressors, and offering the last of human outrages to the people of America, by subjecting them, in effect, to military execution. I know the vast superiority of your disciplined troops over the provincials; but beware how you supply the want of discipline by desperation. They may be flattered into any thing, but they are too much like yourselves to be driven. Have some indulgence for your own likeness; respect that sturdy English virtue; retract your odious exertions of authority, and remember that the first step toward making them contribute to your wants is to reconcile them to your government."

Mr. Wedderburne explained and defended the principles of the proposed bill, which was only intended, during a limited time, to procure that which every one must desire, a fair trial for imputed crime.

21st April. On its introduction, Alderman Sawbridge, in a vehement speech, declared he should think himself highly unworthy a seat in parliament, if he suffered so pernicious a bill to pass in any stage without his hearty negative. He termed the measure ridiculous and cruel, and denied that witnesses against the crown

could ever be obtained from America. "I plainly foresee," he said, "the dangerous consequences of this act; it is meant to enslave the Americans; and the same minister would, if he had an opportunity, enslave England; it is his aim, and what he wishes to do; but I sincerely hope the Americans will not admit of the execution of these destructive bills, but nobly refuse them; if they do not, they are the most abject slaves that ever the earth produced, and nothing the minister can do is base enough for them." CHAP. XXII. 1774.

To this vulgar ribaldry Lord North replied with great moderation; he wished to have the measure thoroughly discussed, and, if bad, rejected. He disclaimed every intention of enslaving America, and declared the assertion to be no better founded in truth than another, importing that the Americans had seen their error, and were willing to make reparation to the East India Company. So far were they from such sentiments, that letters recently received brought accounts of renewed acts of violence.

On the third reading, the debate was not long or interesting, and the bill passed by a great majority.[h] 6th May.

In the house of lords, the opposition was similar to that against the former act. On the third reading, the Marquis of Rockingham detailed, at considerable length, his objections. He reviewed the transactions relative to America from the repeal of the stamp act during his own administration; and while he laboured to shew the propriety of that measure, stigmatized the tea-duty as an uncommercial, unproductive, pepper-corn claim, retained only for the sake of contention. He particularly objected to the bill in question, that if officers were men of sensibility and honour, their situation would be worse under the protection of such a law than without it, as no acquittal could be honourable where the prosecutor had not the usual means of securing a fair trial. In the house of lords.

[h] 127 to 24.

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The bill passed by a great majority[1]; but a protest, signed by eight peers, and containing very forcible statements, was entered on the journals.

Protest. 18th May.

The protesting lords said, that after the variety of provisions made in the session for new-modelling the whole polity and judicature of the province, this bill was an humiliating confession of the weakness and inefficacy of all the proceedings of parliament. By supposing it impracticable to obtain a fair trial for persons acting under government, the House was made virtually to acknowledge the British government universally odious to the province. By supposing the case that such a trial may be equally impracticable in every other province of America, parliament, in effect, admits that its authority is, or probably may, become hateful to all the colonies. The bill was described as one of the many experiments toward an introduction of essential innovations into the government of the empire; and the protest concluded by declaring it a virtual indemnity for murder, and recapitulating the arguments against the difficulty and hardship of sending parties and witnesses so far for justice.

2d May. Second petition of the Americans in London.

The natives of America, resident in London, again attempted to interest the legislature by a petition; but if the temper of the colony had not been expressed in a manner sufficiently forcible to justify the proceedings of administration, the terms in which this extravagant remonstrance was conceived would have convinced the impartial, that the spirit of opposition, and contempt of government by which the colonists were actuated, required vigorous repression, or that the claim of the mother-country was reduced to a mere verbal pretension.

These petitioners deprecated the two bills, as fatal to the rights, liberties, and peace of America; com-

[1] 43 to 12. The partial publication of debates precludes the possibility of estimating the arguments of the peers who supported administration. The principal speakers on that side were the Chancellor, and the Earls of Denbigh and Sandwich.

plained of the Boston Port act, as a violation of the first principles of justice and the law of the land, as it punished without hearing the accused. After descanting on the violation of charters, and the proposed mode of appointing and removing judges, they added, they perceived a system of judicial tyranny deliberately imposed on them, which from bitter experience of its intolerable injuries had been abolished in Great Britain. The bill for more impartial administration of justice was decried as an immunity for murder, of which the soldiery, already taught by the incendiary arts of wicked men to regard the people as deserving of every species of violence and abuse, would not hesitate to avail themselves. The insults and injuries of a lawless soldiery, they said, were such as no free people could long endure; and they apprehended, in the consequences of this bill, the horrid outrages of military oppression, followed by the desolation of civil commotions, while the dispensing power given to the governor, advanced as he already was above the law, and not liable to impeachment from the people he might oppress, must constitute him an absolute tyrant. They boasted of the loyalty of the colony, and throwing all the blame of the late disturbances on the governor, boldly averred, that among a people hitherto remarkable for loyalty to the crown, and affection for Great Britain, no history could show, nor would human nature admit of an instance of general discontent, but from a general sense of oppression. They *wished* they could perceive any difference between the most abject slavery and an entire subjection to a legislature, in the constitution of which they had not a single voice, nor the least influence, and in which no one was present on their behalf. They strenuously urged the principle of taxation by consent alone, assimilated themselves to Ireland, and declared the bills would reduce their countrymen to the dreadful alternative of being totally enslaved, or compelled into a contest the most shocking and unnatural with a parent-state,

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which had ever been the object of their veneration and love. They concluded with these words, no less remarkable for hypocrisy than for resolute contumacy: "In a distress of mind which cannot be described, the petitioners conjure the House not to convert that zeal and affection which have hitherto united every American hand and heart in the interests of England, into passions the most painful and pernicious; most earnestly they beseech the House not to attempt reducing them to a state of slavery, which the English principles of liberty they inherit from their mother-country will render worse than death; and therefore pray that the House will not, by passing these bills, overwhelm them with affliction, and reduce their countrymen to the most abject state of misery and humiliation, or drive them to the last resources of despair."

19th April. Motion for the repeal of the duty on tea.

The notion that the repeal of the duty on tea would tranquillize opposition, and suppress every disagreement between the colonies and the parent-state, induced Mr. Rose Fuller, an old member of parliament, and, in general, a supporter of the minister, to move for a committee, intended to produce that measure; and he introduced his proposition with great moderation.

He was seconded by Mr. Pennant, and an animated debate ensued. The supporters of Mr. Fuller's motion argued chiefly the importance of retaining the friendship of America, the trivial amount of the tea duty, the impropriety of founding a claim to real taxation on mere imaginary, or virtual representation, and the hostile appearance which the legislature must assume by rejecting the motion. These topics were principally enforced by Captain Phipps, Stephen Fox, Charles Fox, Frederick Montague, and Colonel Barré.

On the other side, it was contended that the amount of the tea duty was not unimportant; the Americans would not be satisfied with the repeal of the tax, but their views extended to an emancipation from all controul; this was proved by referring to the conduct of

the legislature of Massachuset's Bay, long distinguished for its rebellious tendency, and the combinations and illegal proceedings of the people. It was also argued that the repeal would be taken as an indication of weakness rather than a conciliatory tenderness. It was even remonstrated that a want of unanimity in rejecting this question would be productive of dangerous consequences, by affording countenance to resistance; and firmness and resolution were recommended as the only means of restoring peace. The speakers on this side were Mr. Rice, Mr. Cornwall, Lord Beauchamp, Mr. Buller, the solicitor-general and Lord North.

Burke's celebrated speech.

Some reflections, in this debate, on the repeal of the stamp act produced from Mr. Burke one of the most brilliant specimens of senatorial eloquence which the records of any age or country can boast. He contended, that from the period of repealing the stamp act, the practical right of taxing America ought to have vanished from the minds of statesmen, and decried the absurdity of continuing a tax merely for the sake of a preamble to an act of parliament, when five-sixths of the revenue intended to be raised were abandoned. He read a letter written by Lord Hillsborough when secretary of state for America, upon which he grounded an inference of an absolute promise that taxation would not be again attempted. He said, that from the passing of the Navigation Act till the year 1764, trade, and not taxation, being the object of England, no attempt had been made to raise a revenue in America. The first glimmerings of the new colony-system dawned under Mr. Grenville. Mr. Burke then depicted in animated terms, and with considerable force and discrimination, the talents, politics, and measures of that minister. Pursuing his history of the Stamp Act, its repeal and the subsequent proceedings, he delineated, in a similar manner, the Marquis of Rockingham, Lord Chatham, and his motley administration, and Charles Townshend, under whose aus-

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pices the existing American revenue act was passed. By the subsequent repeal of the whole series of taxes, excepting that on tea, the revenue was nearly annihilated, and nothing remained worth a contest, unless it were the preamble of the act, which declared *it was expedient to raise a revenue in America.* He recommended the repeal of the tax as a measure of policy, and advised the House, if they afterward apprehended ill effects from concession, to stop short, decline reasoning, and oppose the ancient policy and practice of the empire as a rampart against innovators on both sides, and thus they would stand on great, manly, and sure ground. "I am not going," he said, "into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into those metaphysical distinctions; I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. They, and we, and their and our ancestors, have been happy under that system. Let the memory of all actions, in contradiction to that good old mode, on both sides, be extinguished for ever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burthen them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms; leave the rest to the schools, for there only they may be discussed with safety." If this advice were rejected, he augured, as a certain consequence, resistance; if the sovereignty of England, and the freedom of America, could not be reconciled, the Americans would cast off sovereignty, for no man would be argued into slavery.

In reconciling his present opinion with the declaratory act, Mr. Burke appears to have been embarrassed; he attempted a distinction somewhat too subtle to form a basis of action in government. "The parliament of Great Britain," he said, "sits at the head of

her extensive empire in two capacities; one as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power. The other, and I think her nobler capacity, is what I call her imperial character; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controuls them all without annihilating any. As all these provincial legislatures are only co-ordinate to each other, they ought all to be subordinate to her. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the over-ruling plenitude of her power. She is never to intrude into the place of the others, whilst they are equal to the common ends of their institution. But in order to enable parliament to answer all these ends of provident and beneficent superintendence, her powers must be boundless. Gentlemen who think the powers of parliament limited may please themselves to talk of requisitions. But suppose the requisitions are not obeyed? What! Shall there be no reserved power in the empire to supply a deficiency which may weaken, divide, and dissipate the whole? We are engaged in war; the secretary of state calls upon the colonies to contribute; some would do it, I think most would cheerfully furnish whatever is demanded; one or two, suppose, hang back, and easing themselves, let the stress of the draft lie on the others; surely it is proper that some authority might legally say, Tax yourselves for the common supply, or parliament will do it for you. This backwardness, as I am told, was actually the case of Pennsylvania for some short time, toward the beginning of last war, owing to some internal dissensions. But, whether the fact were so or otherwise, the case is equally to be provided for by a competent sovereign power. But then this ought to be no ordinary power; nor ever used in the first instance. This is what I meant, when I have said at various times that I consider the power of taxing in parliament as

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an instrument of empire, and not as a mean of supply." He recommended lenity, and that policy, not rancour, should be the rule of conduct. "Let us act," he said, "like men, let us act like statesmen: let us hold some sort of consistent conduct. It is agreed that a revenue is not to be had in America. If we lose the profit, let us get rid of the odium."

By this speech which was afterward published, the orator acquired great applause, and his party a considerable benefit. The system recommended was specious, and calculated to captivate by a mixture of moderation and resolution; it unfolded many wise principles of policy, while every gratification was afforded to the fancy, by playful and elegant sallies of imagination, expressed in the happiest language, and illustrated by images irresistibly pleasant: but the advice it contained was inadmissible; the time, the unrepented aggression of the Americans, the acknowledged necessity of punishment, and the propriety of restraining the exertions of disloyalty, forbad the adoption of a system which, instead of discouraging, appeared to proffer a premium for opposition to the supremacy of Great Britain.

Motion rejected.

The motion was rejected[k], and Mr. Rose Fuller, afterward, in opposing the bill for regulating the government of Massachuset's Bay, said, "I will now take my leave of the whole plan. You will commence your ruin from this day. I am sorry to say, that not only the house has fallen into this error, but the people approve of the measure. The people are misled; but a short time will prove the evil tendency of this bill. If ever there was a nation running head-long to ruin it is this."

17th May. Lord Chatham's speech on American affairs.

The ranks of opposition in the house of lords were reinforced by Lord Chatham, who, after absenting himself from parliamentary attendance during the last two sessions, made his appearance on the third reading of a bill for quartering troops in America, and stated

[k] 182 to 49.

at large his opinions on the proceedings relative to that country. CHAP. XXII. 1774.

He began by observing, that a transient view of the motives which induced the ancestors of the Americans to quit their native land, and encounter the difficulties of unexplored regions in the western world, would remove all impressions of astonishment at the conduct of their descendants. There was no corner of the globe into which men of their free and enterprizing spirit would not fly with alacrity, rather than submit to the slavish and tyrannical principles which prevailed at that period in their native country; and shall we wonder if the progeny of such illustrious characters spurn, with contempt, the hand of unconstitutional power, that would snatch from them such dear-bought privileges, as they now contend for? Had the colonies been planted by any other kingdom than our own, the inhabitants would have carried with them the chains of slavery, and spirit of despotism; but as they are, they ought to be remembered as great instances to instruct the world what exertions mankind will naturally make when left to the free exercise of their own powers. He blamed, in unqualified terms, the conduct of the Americans in some instances, particularly the riots in Boston; but the measures pursued to bring them to a sense of their duty were astonishing, from their diametrical opposition to the fundamental principles of sound policy. In proof of the gratitude of the Americans for the repeal of the Stamp Act, and their sincere loyalty at that period, Lord Chatham read an extract of a letter from Governor Bernard, and he inferred that the same temper would have continued, but for the fruitless endeavours subsequently made, to tax them without their consent. From the complexion of the proceedings, he thought administration had purposely irritated them into those violent acts, for which they so severely smarted, purposely to be revenged for the victory they gained by the repeal of

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the Stamp Act; a measure in which the ministry seemingly acquiesced, but, at the bottom, were its real enemies. What could induce them to dress taxation, that father of American sedition, in the robes of an East India director, but to break in upon the peace and harmony so happily subsisting? He advised the adoption of a more lenient plan in the government of America, as the day was not far distant when America might vie with these kingdoms, not only in arms, but in arts. The principal towns in America were learned and polite, understood the constitution of the empire, and consequently would have a watchful eye over their liberties, to prevent encroachment on their hereditary rights. In support of this opinion he read an extract from the pamphlet of an American author, denying the right of the mother-country to tax the colonies. Affirming this to be his own opinion, which he would carry with him to the grave, he recommended the substitution of kindness for rigour. "Instead of adding to their miseries," he said, "adopt some lenient measures, which may lure them to their duty: act like an affectionate parent toward a beloved child; and instead of those harsh and severe proceedings, pass an amnesty on all their youthful errors; clasp them once more in your arms, and, I will venture to affirm, you will find them children worthy of their sire. But should their turbulence exist after proffered terms of forgiveness, I will be among the foremost to promote such measures as will effectually prevent a future relapse, and make them feel what it is to provoke a fond and forgiving parent! A parent whose welfare has ever been my greatest and most pleasing consolation. This declaration may seem unnecessary; but I will venture to declare, the period is not far distant when she will want the assistance of her most distant friends; but should the all-disposing hand of Providence prevent me from affording her my poor assistance, my prayers shall be ever for her

welfare — Length of days be in her right hand, and in her left riches and honour; may her ways be ways of pleasantness, and all her paths be peace!"

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One more law relative to America was introduced during this session, and occasioned strenuous debates. Since the cession of Canada, that extensive sovereignty had been governed by royal proclamations; no parliamentary system was established; the customs of the land were not sanctioned by explicit consent, or meliorated by a more perfect form of jurisprudence. Yet the subject had not lain dormant, it was often deliberated in the cabinet; but the difficulty and danger of deciding on abstract principles of legislation, and the instability of administrations, had hitherto prevented effectual progress. At length, in 1771, the King, by a special order, directed the reports and papers relative to the laws and courts of judicature, and the defects in the mode of governing Quebec, to be referred to the advocate, attorney, and solicitor-general, to prepare a general plan of civil and criminal law; and they were subsequently directed to make separate reports to the King in council. Every species of information was resorted to, and diligently compared, and applied in the formation of these reports, on the basis of which a bill was framed, "For making more effectual provision for the government of Canada."

Bill for the government of Canada.

It passed, without material opposition, through the upper house, where it was first introduced; but in the house of commons the resistance was more strenuous than had been made to any measure during the session.

The first object of the bill was to define the boundaries of Canada, which were enlarged to an unexpected extent, including all the lands in America not subject to any previous grant, or comprised in any charter. The limits, thus extended, stretched from Chaleur Bay, along the southern coast of St. Lawrence, almost to Crown Point; they were also carried

View of the bill, how opposed and defended.

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over the whole interior country, which lay behind the New England provinces, together with those of New York and Pennsylvania, to the borders of Ohio. The boundary line then proceeded westward, through ten degrees of longitude, to the eastern banks of the Missisippi, whence it extended northward, to the southern boundary of the lands granted to the Hudson's Bay company, being from about the fortieth to the fiftieth degree of latitude.

The government of this domain, which appeared from evidence to be inhabited by about three hundred and sixty English, and a hundred and fifty thousand French settlers, was modelled with strict attention to the habits, prejudices, manners, and convenience of the people. Abstract theory, as well as national predilection, would have pointed out the English constitution, both in church and state, as the best model for the government of Canada: But no wise statesman, no conqueror, unless a mere predatory tyrant, would attempt the rash experiment of forcing on a whole people, a scheme of government, formed at a distance from their abode, and arranged without a pretence of consulting their wants, their grievances, their means of information, or their views of happiness. The system of mutual representation, mutual reliance, and mutual responsibility, which forms the basis of the British constitution, and is admirably adapted to the genius, the manners, and the commercial and political relations of the nation, would, if applied to a people living widely scattered in a thinly inhabited country, and so educated as to entertain an habitual predilection for another mode of government, have been a curse instead of a benefit, a badge of slavery instead of a buckler of defence. Yet there were points of essential importance in the British constitution, which a due regard to the real happiness of the governed would not justify the governors in omitting.

The Canada or Quebec bill, therefore, granted the free exercise of the religion of the church of Rome,

subject to the King's supremacy, and the clergy were permitted to enjoy their property, and receive the accustomed dues from persons professing that persuasion; with a proviso, that the King should not be disabled from making such provision as he should think fit for the protestant clergy.

All property was to be held, and all controversies relative to it, among Canadians, were to be decided by the existing laws of Canada, and without the intervention of a jury; a proviso was made for freeing estates from feudal entails, and excepting from the rule all lands granted by the King.

The criminal law of England was instituted, with trial by jury.

A legislative body was created, consisting of persons resident in Canada, in number not less than seventeen, nor more than twenty-three, who were to be appointed by His Majesty in council. They were to make ordinances for the government of the province, but not to impose taxes; and their edicts were to be considered as absolutely repealed, if disapproved by the King in council. The legislature was also restrained from enacting severe penalties for religious offences, and from meeting at undue seasons of the year, and without sufficient notices.

Finally, the King was empowered to erect any courts, criminal, civil, or ecclesiastical, by letters patent under the great seal.

26th May to 13th June. Opposition.

The chief general objections to the bill were derived from its tendency to establish a despotic government, contrary to the royal proclamation in 1763, and the indecency of urging a business of so much importance, at a late period of the session, when many of the members had retired into the country.

The clause which fixed the limits of the province was censured on two grounds, first, if in any future war, Canada should be restored to the French, they would, by the explicit avowal of the British parliament, possess an undoubted claim to a territory, more

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ample than they had ceded at the last peace, secondly, if we were to retain the province, the enormous addition operated as a grievance on the inhabitants of the planted and chartered colonies. If, in order to live on what they had ever esteemed their direct property, they crossed an imaginary line, they found themselves suddenly deprived of all their own charters, and all the common privileges of Englishmen, and subjected to an arbitrary system of French government: this was decried as a violent, cruel, and odious measure, which tore up justice and all its principles by the root.

Answer.

The argument relative to the restoration of the colony to the French, was answered by Mr. Thurlow, who said, the limits and importance of cessions were never dependent on legislative arrangements, but on the length of the sword: success in war would give success in peace, and not imaginary lines drawn by a state for its colonies: nor had the limits now described any reference to old Canada; it was not a restoration of the limits once contended for by France, but a new scheme, including countries for which France had never contended.

With respect to the injury to be sustained by the inhabitants of chartered colonies, it was observed, that they must voluntarily place themselves in a situation to receive it; and it would be extremely imprudent, in favour of such a supposition, to leave without government all the chain of posts already established through the whole country included in the bill, and not protected by any law, or defended by any charter.

Petition of the Penn family.

The Penn family petitioned against this part of the bill, on the ground that it deprived them of part of their legal estate. The minister admitted the validity of the petition, and said, it never was the intention of the measure to affect the just rights of the proprietors or of the colonies.

Opposition on the subject of religion.

The clause, allowing the exercise of the Catholic religion, was not much opposed in the House. Some

distinctions were made between toleration and establishment, but nothing of importance was urged nor any amendment attempted, except in the form of one of the prescribed oaths. An effort was, however, made to excite popular prejudice, and the corporation of London, in their petition against the bill, did not forget to remind the King, that the Romish religion was idolatrous and bloody, and that his illustrious family was called to the throne, in consequence of the exclusion of the Roman Catholic ancient branch of the Stuart line, under an express stipulation to profess and maintain the Protestant faith.

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Petition from the city.

The continuance of the French law, dispensing justice without a jury in civil cases, while the English code was granted in criminal matters, occasioned numerous and violent debates. The opposition insisted, that by this distinction, a complete despotism was established: the King, by mixing his English with French subjects, and involving both in the same law, obtained over both all the powers of a French king; he might even, if he pleased, imprison by *Lettres de Cachet*. The privation of the trial by jury, in civil cases, and of the Habeas Corpus, was represented as an intolerable hardship.

Opposition on the subject of law.

The merchants of London trading to Canada petitioned against this part of the bill, as tending to render their property less secure, and were heard by counsel. Two merchants [1] were produced as witnesses, who stated, that the people of Canada were highly pleased with the trial by jury in civil causes; and that a discontinuance of it would be of great prejudice. On the other hand five witnesses were examined, some of whom had been long resident, and filled important stations in the colony[m]; from their information it generally resulted, that the Canadians,

Petition of the Canada merchants in London.

Evidence.

[1] Edward Watts and Samuel Morin.

[m] They were General Carleton, governor of Canada; Mr. Maseres, cursitor-baron of the exchequer, late attorney-general of the province, and agent to the English inhabitants; Mr. Hey, chief justice of the province; Mr. Lothbiniere, a French gentleman of considerable property, and Dr. Marriott, the king's advocate-general.

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though highly pleased with the British form of criminal jurisprudence, had an insurmountable disgust to the decision of civil causes by a jury.

The enormous expence of that mode of trial in a country thinly inhabited; the difficulty of obtaining the attendance of jurors, and the amount of their travelling charges and maintenance, were successfully urged as reasons against the establishment. An attempt was made during the progress of the bill to obtain a right for either party in a suit to demand a trial by jury, but without effect. The general arguments relative to tyranny, and the want of the Habeas Corpus, could not, it was observed, be decided on mere suppositions; time would discover, and the legislature of the colony would announce, whether the King did in fact imprison his subjects by *Lettres de Cachet*, and whether they felt any real grievance from the non-introduction of a new writ, incompatible with the forms of that law by which they preferred to be governed. It was also successfully urged, that if tyranny were the aim of the bill, the means taken to establish it were singular and unapt; a government by law was substituted for one purely optional, and the King's power of ruling by proclamation was abolished by act of parliament.

Many objections were made against vesting the legislative power in the governor and council alone, without an assembly, as in other colonies. But the extreme absurdity of a pretended election, the rights of which should reside in three hundred and sixty persons, while the number governed was upwards of a hundred and fifty thousand, was an irrefragable argument against the proposition for establishing a representative senate. It was also proved in evidence, that the Canadians were not desirous of being represented in any assembly, and from the aspect of the times, policy dictated that they should, as little as possible, be placed in the same situation with the other provinces of America.

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As several alterations were made in the bill, it became necessary to return it to the upper house. Although in a less exceptionable form it had passed almost without opposition, yet its principles were now strenuously resisted. Lord Chatham, on the third reading, recapitulated all the objections used in the house of commons, and called it the child of inordinate power. He invoked the bench of bishops to resist a law by which the Roman Catholic religion would become the establishment of a vast continent, and insisted that parliament had no more right to alter the oath of supremacy, than to repeal the Great Charter, or the Bill of Rights. Lord Dartmouth and Lord Lyttleton defended the bill, but with no new argument[n], and the corporation of London ineffectually petitioned the King to refuse his sanction.

Debates in the lords.

17th June.

22d. Petition to the King.

During this long and active session, many other objects of public importance were agitated in parliament. The House of Lords, by reversing a decree of the court of Chancery, established the principle that booksellers have not a perpetual right in the copies of works, which they possess by assignment from their authors. Several beneficial regulations were made in the gold coin, pursuant to the suggestion in the King's speech. A committee was appointed to consider and report on the state of the linen and woollen trades, and an act passed for the relief of insolvent debtors, and prisoners incapable of paying their fees.

Other acts of parliament.

In terminating the session, the King applauded the Quebec act, as founded on the clearest principles of humanity and justice, and calculated to produce the best effects in quieting the minds and promoting the happiness of the Canadians. He lamented the dangerous spirit of resistance displayed by the people of Massachuset's Bay, but approved the measures adopted by parliament to restrain them. He said, "The

22d. King's speech on concluding the session.

[n] It was carried 26 to 7.

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temper and firmness with which you have conducted yourselves in this important business, and the general concurrence with which the resolution of maintaining the authority of the laws in every part of my dominions has been adopted and supported cannot fail of giving the greatest weight to the measures which have been the result of your deliberations. Nothing that depends on me shall be wanting to render them effectual. It is my most anxious desire to see my deluded subjects, in that part of the world returning to a sense of their duty, acquiescing in that just subordination to the authority, and maintaining that due regard to the commercial interests of this country, which must ever be inseparably connected with their own real prosperity and advantage."

CHAPTER THE TWENTY-THIRD.

1774.

Proceedings in Massachuset's Bay. — Arrival and effect of the Boston port act. — The cause of Boston espoused in several colonies. — The assembly of Massachuset's Bay removed to Salem. — Their address to the governor. — Members appointed to a general congress. — Recommendations to the people. — Dissolution of the assembly. — Town-meeting at Boston. — Address of the merchants and freeholders of Salem to the governor. — Solemn league and covenant. — Efforts at conciliation. — Drafts of the other bills arrive — their effect. Arrival of troops. — Alarm on placing guard at Boston Neck — New council formed. — Juries and law officers refuse to act. — Militia disarmed and stores seized. — Public resentment. — Boston Neck fortified — Outrages of the people. — They arm. — Suffolk Meeting — their resolves and remonstrance. — Gage's answer. — The assembly meet in defiance of the Governor. — Resolve themselves into a provincial congress. — Their remonstrance. — Gage s answer and proclamation — Sitting of the general congress at Philadelphia. — Formation. — Mode of voting — Secrecy in debate. — Detached proceedings. — Declaration of rights Association. — Address to the people of Great Britain. — To the colonies. — To the people of Quebec. — Petition to the King. — Instructions to their agents. — Dissolution. — Observations on their proceedings. — Effects of the congress. — Royal proclamation. — Insurrection at Rhode Island, and in New Hampshire.

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1774. Contumacious proceedings in Massachuset's Bay.

BEFORE intelligence of the parliamentary proceedings could be received, the people of Massachuset's Bay manifested a disposition to exasperate the mother-country by repeated outrages. Tea ships which arrived after the destruction of the first cargoes, were treated in a similar manner; a post-office was projected to rival the government establishment; and the assembly, before their dissolution, found a new subject of contest with the governor, by resolving to continue Dr. Franklin their agent;

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while Hutchinson refused to ratify the appointment, or sanction the law for paying his salary.

General Gage appointed governor.

Among other ministerial arrangements was the removal of Governor Hutchinson; he was succeeded by General Gage, who was married to an American, had long commanded the troops in the province of Massachuset's, and was respected for his prudence and urbanity.

13th May.

The auspices under which he commenced his office, were in the highest degree discouraging, for some inhabitants of Boston, attempting the customary civility of a complimentary message to the ex-governor, their proceeding was protested against by many of the citizens, and the populace expressed their hatred and contempt by hanging him in effigy. General Gage, however, received the usual honours from the council, magistrates, clergy, military, and town officers.

Arrival and effect of the Boston port act.

The Boston port act was already arrived, and received with a mixed sensation of indignation and terror. The severity of its enactments[a], and the impossibility of evasion, appalled the factious, and the uncertainty whether the other colonies would join in the cause, or take advantage of their situation, produced the utmost anxiety and consternation. The resolves of a meeting, held to take the act into consideration, no longer breathed the haughty and impetuous tone of former days, but indicated fear, hesitation, and irresolution. They declared, if the other colonies would decline all commercial intercourse with Great Britain and the West Indies till the repeal of the obnoxious act, their resolution would prove the salvation of North America, and her liberties; but otherwise,

14th May. Town meeting.

[a] By this act it was ordained, that from the first of June 1774, no person should receive or discharge any cargo or lading at the harbour of Boston, on pain of forfeiting the cargo and the vessel; and any wharfinger who permitted such lading or discharge to take place at his wharf was to forfeit treble the value of the cargo, computed at the highest price, together with the craft employed on the occasion. No vessel was allowed to moor within the harbour, or to be seen hovering about the bay, after six hours notice, on pain of forfeiture. Several penalties were inflicted to prevent collusions, and the act was to continue in force till satisfaction made to the East India company, and till it should appear to the King in council that the people of Boston were submissive to law and good order.

fraud, power, and the most odious oppression, would rise triumphant over right, justice, social happiness, and freedom. The impolicy, injustice, inhumanity, and cruelty of the law, exceeded all their powers of expression, and they left it to the just censure of God and the world. Copies of this vote were transmitted to all the colonies; the act of parliament was printed on paper bordered with black, hawked about the streets as a barbarous, cruel, bloody, and inhuman murder, and in some places burnt with great solemnity.

24th May. The cause of Boston espoused by Virginia.

The horrors of suspense did not, however, long continue: the house of burgesses in Virginia decreed, that the day on which the operation of the Boston port act was to commence, should be set apart for fasting and humiliation: "Devoutly to implore the divine interposition, for averting the heavy calamity which threatened destruction to civil rights; and the evils of civil war; and to give one heart, and one mind to the people, firmly to oppose every injury to the American rights."

Assembly dissolved.

Such an encroachment on the governor's prerogative as the appointment of a fast without his concurrence, combined with the motives of the proceeding, induced him to dissolve the assembly; but eighty-nine of the members signed an association, denouncing the attempt to compel one of the sister colonies to submit to arbitrary taxes, as an attack on all British America; and recommending their committee of correspondence to communicate with other committees, on the expediency of appointing deputies from the several colonies to form annually a general congress, and deliberate on measures conducive to the united interests of America. This paper avowed that other measures were in contemplation, and expressed a hope that Great Britain would not, by persisting in the system of arbitrary taxation, compel them reluctantly to relinquish all commercial intercourse.

Annual congress recommended.

20th May. Proceedings in Philadelphia.

The people of Philadelphia, excepting the quakers, agreed to suspend all business on the first of June, as

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an expression of sympathy, and in order to gain an opportunity of reflecting on the precarious situation of American rights. They also held a town-meeting, passed resolutions in reprobation of the act, and in favour of a congress, and entered into a subscription for relief of the suffering inhabitants of Boston. Several other colonies subsequently adopted similar resolutions, and the cause of Boston was espoused with an ardour equal to their most sanguine wishes.

24th May. And other colonies.

25th May. Proceedings of the assembly of Massachuset's Bay. 26th.

Meanwhile, the assembly of Massachuset's Bay met for the last time at Boston, and proceeded to the election of a council on the day prescribed by their charter. General Gage opened the session, by expressing his inclination to concur in all measures tending to the welfare of the province, but announced the necessity of removing the general court to Salem. They petitioned him to set apart a day for general fasting and humiliation, with which he refused to comply, and apprehending the ill effects of protracted debates, adjourned the legislature to the seventh of June, then to meet at Salem.

Effect of the conduct of other colonies.

In this interval, the people were apprised of the manner in which their cause was patronized; they had the satisfaction of learning that their sufferings occasioned general indignation, and that the fast on the first of June was almost every where observed with fanatical strictness. Measures were generally adopted for contravening the interests of Great Britain; the wish for a congress was widely diffused, and the province of Maryland even instructed the lawyers not to commence suits for recovery of debts due to inhabitants of Great Britain, till the Boston port act should be repealed.[b]

9th June. Address to the governor.

Animated by these assurances, the legislature took the earliest opportunity of insulting the governor, under pretext of answering his speech at the commencement of the session. Their address began

[b] A protest against this resolution was signed by a respectable body of merchants.

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with ordinary felicitations, but, in its progress, expressed a hope, that his administration, in principles and conduct, might be a happy contrast to that of his two immediate predecessors. General Gage, interrupting the chairman of the committee, who read the message, refused to receive such indecent reflections on the former governors, whose conduct had been approved by the King, after a trial and acquittal before the privy-council; they were an insult on His Majesty, the lords of the council, and himself.

13th June. Members appointed to congress.

The house of representatives next appointed a committee for a general congress, selecting for that purpose, five of their body, who were most conspicuous in opposition; and voting five hundred pounds for their use out of the treasury. In this appropriation of the public money, they exceeded their authority, and the governor refusing his assent to the vote, they recommended a levy to that amount by equitable proportions, among the towns and districts of the province.

Committee appointed to frame recommendations. 17th June.

A prorogation or dissolution of the assembly being anticipated, a committee was appointed to prescribe rules of conduct to the people, under the form of recommendations which, in the actual state of opposition, would have the effect of laws. They speedily presented a report, stating that their colony, as well as others in North America, had long been struggling under the heavy hand of power; their dutiful petitions for redress of intolerable grievances were disregarded, and the design totally to destroy the free constitution of America, to establish arbitrary government, and reduce the inhabitants to slavery, appeared to be more and more fixed and determined on: the inhabitants were therefore recommended to discontinue the consumption of tea, as well as of all other merchandizes imported from India and Great Britain till a redress of grievances should be obtained; and encourage to the utmost the manufactures of America.

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1774. Dissolution of the assembly.

Although the committee intended to keep their proceedings profoundly secret, and deluded the governor, by a pretence of being employed on conciliatory measures, they could not prevent the disclosure of their real intention, and General Gage dispatched the secretary to the court-house to dissolve the assembly. The officer, finding the doors locked, transmitted information to the speaker, that he was charged with a message to the house; the assembly, however, refused to open the doors; and the secretary, in presence of several members, proclaimed on the stairs, the dissolution of the general court. They, however, considered the passing of their resolutions, as a material advantage gained over the governor.

Town meeting at Boston.

Notwithstanding the dissolution of the legislative body, a town-meeting was held at Boston, where resolutions were passed, and ordered to be transmitted, by the corresponding committees, to other colonies, containing assurances of the zeal and activity prevailing in Massachuset's Bay, and the general anxiety to meet in congress.

18th June. Address of the merchants of Salem to the governor.

At Salem, the merchants and freeholders presented an address to the governor, personally complimentary, but highly censuring the measures he was deputed to support. They commiserated the people of Boston, but declined availing themselves of the advantages tendered by the act, by removing the trade from the capital to their town. They said, "Nature, in the formation of their harbour, forbad a rivalship with the convenient mart of Boston, and were it otherwise, they must be dead to every idea of justice, lost to all feelings of humanity, could they indulge one thought to acquire wealth, and raise their fortunes on the ruin of their suffering neighbours." They spoke in high terms of the hardships encountered by their ancestors, who "to avoid oppression, braved every danger, and began a settlement on bare creation; in a dreary wilderness filled with savage beasts, and yet more savage men:"

and complained of the hardships endured by themselves, the progeny of such ancestors, in being "checked and dishonoured for exhibiting proofs of that spirit which in their fathers produced such astonishing effects." They ardently wished for a happy union with the British empire, and would gladly adopt every measure compatible with the dignity and safety of British subjects. The governor, in his answer, assured them of his sympathy with the people of Boston, and of the good-will of Great Britain toward her colonies: but the mother-country, retaining her ancient spirit, found it necessary to support her rights, as head of the empire, not by checking the free spirit which the colonists derived from their ancestors, but by inculcating that due obedience to the King and parliament, which their fathers had acknowledged.

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His answer.

By the activity of the corresponding committees, a general association was framed throughout the continent, which, according to the puritanical cant of the preceding age, was called, *A Solemn League and Covenant.* In this compact, the parties, "from a consciousness that no other means existed of avoiding the horrors of slavery, or the carnage and desolation of civil war; in the presence of God, solemnly, and in good faith," covenanted to suspend all commercial intercourse with Great Britain, till the Boston port act should be repealed, and restoration made of their chartered rights: not to purchase or consume any goods or merchandize from Great Britain, after the last day of August: and to have no dealings with persons who should break this agreement; but to publish their names as enemies to their country, and cut off from all social intercourse. This solemn league and covenant was received with the utmost alacrity by the people of Massachuset's Bay. In vain did General Gage issue a proclamation, forbidding such unlawful and traitorous combinations, and commanding all magistrates and other officers to apprehend persons pub-

Solemn league and covenant.

20th June. Gage's proclamation.

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lishing or tendering them for signature: his orders were disregarded, and the compact generally received.

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Efforts at conciliation.

Amidst the exertions of opposition, some efforts were made which had a tendency to reconciliation. An address was presented to the governor, signed by a hundred and twenty gentlemen and merchants, inhabitants of Boston, containing a disavowal of lawless violences, and lamenting that he was not intrusted with a discretionary power of restoring commerce to its ancient course, without the loss of time which must be occasioned by a reference to the King in council. The justices of the general session, on their meeting in the county of Plymouth, beside their congratulations to Gage on his appointment, expressed serious concern at seeing the inhabitants of some towns influenced by certain persons calling themselves committees of correspondence, and encouraged by some whose business was to preach the gospel of Christ, and inculcate principles of loyalty and obedience, entering into a league, calculated to increase the displeasure of the sovereign, exasperate the parent-country, and interrupt and destroy the harmony of society. An attempt was made by the opulent inhabitants of Boston, to procure the passing of resolutions for indemnifying the East India company, and for dissolving the committee of correspondence; but their exertions were overruled by a large majority of the lower class.

6th July.

Drafts of the other bills arrive.

All conciliatory endeavours were finally frustrated by the arrival of drafts of the bills for altering the charter, reforming the course of justice, and quartering soldiers in the colony. These bills were printed, and distributed in all parts of the continent with pernicious activity, and unlimited profusion: they completed the exasperation against the cause and government of England, and raised to its utmost pitch the spirit of partiality for the people of Massachuset's Bay. All opposition to the popular cause was suppressed by clamour and violence: the inhabitants of

Their effect.

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Boston were considered martyrs for liberty, and numerous subscriptions were opened for their relief.

1774. Arrival of troops.

General Gage, fully appreciating the dangers and difficulties of his situation, and knowing the inefficacy, in times of popular commotion, of all appeals to the municipality or the legislature, ordered to Boston some regiments of foot, with a detachment of artillery, who were encamped on the common. They were reinforced by troops from Great Britain and Ireland; but he soon found the usual artifices of the colonists employed, and desertion frequent and much encouraged. To check this dangerous spirit, he first issued a proclamation, with the alternatives of pardon to those who should return to their duty within a limited time, and punishment to those who refused compliance. He then placed a guard at Boston Neck, a narrow isthmus, which joins the town with the country. This proceeding, moderate in itself, and dictated by necessity, was made the subject of alarm to the whole colony, and magnified into a design of intercepting communication, and by famine compelling the inhabitants of Boston to comply with the views of government. Such was the effect of these insinuations, that the people of Worcester assembled in arms, and deputed persons to inquire into the fact; to assure the people of Boston of the assistance of several thousand armed men in case of necessity; and at the same time to caution them against the baseness of surrendering their liberties, as such an act would be disavowed by the country.

15th July. Alarm on placing a guard at Boston Neck.

August. New council formed.

In the midst of this general ferment, the acts for altering the charter, and regulating judicial proceedings were promulgated. Of thirty-six members appointed by the King to form a colonial council only twenty-four would be sworn, and of these many were subsequently obliged, by threats and injuries, to resign their commissions. They issued writs, however, according to the new law, for convening an assembly in October.

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Law business suspended.

All proceedings in the courts of justice were also suspended, for the persons summoned on juries refused to take the oaths under the new judges and the new laws; and the inferior officers of the courts, with all humility, implored pardon in the public papers for having issued warrants to summon juries; even if their country forgave them, they said, they could never forgive themselves.

Militia disarmed.

Disaffection and tumult spread on every side; the reign of law was dissolved, and General Gage apprehending more serious consequences from force, took the opportunity of a general muster of the militia, to deprive them of their ammunition and stores, which he placed under special custody, and removed to Boston all the military stores deposited at Charlestown, Cambridge, and Medford. These measures were not adopted without clamour and threats of resistance; destruction of their houses, and abuse of their persons, awaited the friends of government; and even the governor's company of cadets, composed wholly of gentlemen, and supposed to be entirely attached to government, suddenly disbanded themselves, and returned their standard.

2d Sept.

Stores seized.

Public resentment.

Gage's exertions.

Yet the governor did not lose his firmness, or abandon the cause he had supported. The select men of Salem having, in defiance of the new laws, and of repeated admonitions, proceeded according to their ancient custom, to the election of town-officers, he issued orders for apprehending them; but before the command could be executed, the meeting was dissolved. Seeing the indispensable necessity of separating the troops from the people, he resolved to fortify Boston Neck, and to erect barracks; but such was the effect of the spirit which animated all ranks, and of the exhortations by which they were daily inflamed, that although artizans were reluctantly engaged, the people impeded the projected works by various petty manœuvres; they burned a quantity of straw, sunk

Boston Neck fortified.

Outrages of the people.

boats laden with bricks, and overturned carts employed in conveying wood for the use of the army. General Gage, however, although he anticipated scenes of bloodshed as inevitable, would not commence them by permitting the soldiers to fire on the offenders.

They arm.

Every effort was employed by the committees of correspondence and the demagogues to keep alive the flame of sedition. Continual alarms were circulated of massacres by the troops; of the town being cannonaded by the ships; and of dangers the more terrific from not being precisely described. Arms were in every man's hand, and although the time did not yet appear ripe for the commencement of hostile operations against government, the intention was so resolutely manifested as to leave no doubt of the event.

Suffolk meeting.

In this state of affairs, when the old charter constitution was abrogated, and the newly-established system suspended by violence, the leading men of the province determined on holding an assembly of delegates from all the towns of the county of Suffolk, of which Boston was the capital. This meeting passed resolutions more decidedly hostile to the authority of Great Britain than any which had yet been explicitly sanctioned: they were prefaced, it is true, with a formal profession of allegiance, but were calculated throughout to vindicate resistance, and stigmatize obedience as a dereliction of natural right. The late acts were called gross infractions of civil and religious liberty, which ought to be rejected, as the wicked attempts of an abandoned administration to establish despotic government. They resolved to indemnify all sheriffs, jurors, and others, who should be prosecuted for not carrying into execution any process issued by the present unconstitutional judges, and declared all members of the new council, who should persist in holding their commissions, incorrigible enemies to their

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country. Their resolutions also censured the fortifying of Boston Neck, and the Quebec act, whereby the religion of Rome and laws of France were established: recommended a suspension of commerce with Great Britain, encouragement of home manufactures, the holding of a provincial congress, and a strict obedience to the decrees of the continental congress; and the people were exhorted to perfect themselves in the military science, by appearing under arms once in every week. Adverting to the late intended arrest of the select men of Salem, they advised, in case such a measure should be again attempted, that all the officers of so tyrannical a government should be seized, and detained till the others were restored to liberty. They also took upon themselves to *recommend* (which amounted to a decree) that the collectors and receivers of public revenues should retain the monies in their hands till the civil government of the province was placed on a constitutional foundation, or the provincial congress should give different orders. They exhorted the people to restrain their resentments, to avoid riots, and convince their enemies, that in a cause so solemn, their conduct should merit approbation from the wise, and admiration from the brave and free of every age and country. These violent and daring resolutions concluded with the following remarkable instruction, which shews the reliance placed on the committees of correspondence, and the purposes of their institution: "Should our enemies, by any sudden manœuvre, render it necessary to ask aid from our brethren in the country, some one of the committee of correspondence, or a select man from the town where hostilities shall commence, or be expected, or from the town adjoining, shall dispatch couriers with written messages to the select men, or committees of correspondence of the towns in the vicinity, who shall send others to committees more remote, until sufficient assistance be obtained; the ex-

pence of couriers to be defrayed by the county, until otherwise ordered by the provincial congress."

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The meeting also appointed a committee to wait on the governor with a remonstrance against the fortifying of Boston Neck; the insults which the soldiers, encouraged by their officers, exercised against passengers; and the seizure of public magazines. To these proceedings, and the obnoxious acts of parliament, to which they declared their firm resolution, *by divine assistance*, never to submit, the remonstrance imputed the agitation of the public mind. They desired to avoid hostilities with the King's troops, disclaimed every wish and idea of independency, and attributed the troubles of the colonies to misinformation, arising from the sinister designs of individuals. The governor returned a short answer, denying that he intended to prevent free access to Boston, or would suffer any one under his command to injure the persons or property of the King's subjects; but it was his duty to preserve the peace and prevent surprise; and he gave assurances that cannon would not be used, unless hostile proceedings rendered it necessary.

9th Sept. Their remonstrance to Gage.

His answer.

It has been already mentioned, that the governor issued writs, according to the form of the new law, for convening an assembly on the fifth of October: but the course of subsequent events, the tumultuous disposition of the people, and the numerous resignations by members of the council appointed by the crown, which had reduced them to a number too small to form a house, induced him to countermand, by proclamation, the execution of the writs of summons, and discharge those already returned from the duty of attendance. The advantage of meeting in a public manner to discuss and resolve was not, however, to be so easily renounced; the leading men of the province declared the proclamation illegal; the representatives who were elected met at Salem, and having waited a day in pretended expectation of the governor, denominated themselves a provincial congress, chose Mr.

The assembly meet in defiance of the governor.

Resolve themselve into a provincial congress.

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Hancock for their president, and adjourned to Concord, a town distant about twenty miles from the seat of government, where they were less apprehensive of interruption or forcible dissolution.

11th Oct. Their remonstrance.

One of their earliest proceedings was a remonstrance to the governor, in which they vindicated their meeting by a reference to the distracted state of the colony; complained that the rigour of the late laws was exceeded by the manner of putting them into execution, and decried the operation of those statutes as calculated to abridge the rights of the people, and license murder. They represented the alarm from the great increase of troops, and the formidable preparations at Boston Neck, which endangered the lives, liberty, and property of the people of Boston, and of the whole province. They therefore entreated him, by his regard for the King's honour, the dignity of the empire, and the public peace and welfare, to desist from the construction of the fortress at the entrance of the town, and restore that pass to its natural state.

His answer.

To this address, the general, although averse to a correspondence with an illegal assembly, answered in indignant terms: he said, the lives, liberty, or property of none but avowed enemies could be in danger from the troops of Britain, who could never harbour the black design of wantonly enslaving or destroying any people; in fact they had shewn no disposition to hostility, though they might be expected to feel resentment at the exertions used to deprive them even of the necessaries of life. He reminded the self-constituted congress, that while they affectedly complained of alterations in the charter, their very meeting was a direct violation of their own constitution; and admonished them to desist from such illegal and unconstitutional proceedings.

Their further proceedings.

Not intimidated however, by this message, they proceeded to adopt the measures suggested by the Suffolk meeting. Finding their recommendations attended with the effect of laws, they issued them on the

most important subjects: they settled the militia, arranged means for providing arms, and ordered the receipt of taxes, and the retention of them, in the hands of sheriffs and collectors. They also appointed a day of public thanksgiving to the Almighty for the union which so remarkably prevailed in all the colonies.[c]

10th Nov. Gage's proclamation against them.

Such proceedings aroused the governor, who issued a proclamation, cautioning the people against paying obedience, or affording sanction to the requisitions, recommendations, directions or resolves of an unlawful assembly, whose proceedings were censured as highly seditious, and approximating to treason and rebellion. But the governor's proclamation, as on former occasions, was contemned, and the recommendations universally obeyed. The congress, at length, dissolved themselves, having appointed the ensuing February for a new meeting.

5th Sept. Sitting of the general congress at Philadelphia.

The congress of Massachuset's Bay received a new impulse, and frequent advice from the continental congress, which was sitting at Philadelphia. It must have been a great triumph to the projector of corresponding committees to observe the unanimity with which this measure was received and sanctioned. No longer did America exhibit the appearance of rival colonies, piquing themselves on separate rights, and boasting the relative advantages of different charters, and different constitutions; all such sentiments were buried in oblivion: the same grievances, although not felt by all, were complained of by all; and the same remedy, without apparent previous communication, was generally recurred to, with the only difference of more or less violence according to the genius of the people, or the temper of the favourite leaders. Georgia alone refused to send delegates: all the other colonies deputed various numbers of members, nine being the greatest, and two the smallest representa-

Its formation.

[c] This thanksgiving was celebrated the 15th day of December following.

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tion; they were qualified in various modes, some by the provincial assemblies, some by town-meetings, and some by the committees of correspondence. In Rhode Island the election was ratified by the governor. The whole number who attended congress was fifty-six. The inequality of representation was remedied in the manner of voting, as each colony had one suffrage only in the decision of every question; although the representatives of each colony separately declared, by the enumeration of a majority, on which side that vote should be recorded. This regulation had subsequently the effect of giving an appearance of unanimity to the proceedings. The precaution was also adopted of debating in private, with the doors locked and guarded; thus the people being prevented from ever attaining a knowledge of the arguments by which any measure was combated or sustained, the results were received as the abstracts of wisdom and union, and hailed with the veneration due to oracular edicts.

Mode of voting.

Secrecy in debate.

Terms of instructions.

Some of the votes or instructions to deputies, which were read as credentials at the first sitting of congress, were conceived in loose and general terms, and empowered the deputies to consult and advise on proper measures for advancing the *best good* of the colonies; but in general they specifically enjoined an attention to the redress of certain express grievances, and the renewal and maintenance of the connexion and amity with Great Britain, so essential to the interests of both. Under these restraints, speculations of a different tendency could not be promulgated till the public mind was further prepared, and therefore, in all proceedings, a formal acknowledgment was made of the supremacy of the mother-country, and the subjection of the colonies, although, by subsequent definitions and restrictions, the power of the one, and the submission of the other, were reduced to mere names.

10th Sept. The congress approve the

After appointing officers, and establishing committees, they took into consideration the proceedings

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of the Suffolk meeting, their resolutions, recommendations, and address to the governor; of all which they expressed the highest approbation, and recommended them to general adoption, as the means of carrying such conviction to the British nation of the unwise, unjust and ruinous policy of administration, as would quickly introduce better men and wiser measures. They approved of the opposition to the late acts of parliament, declared that in case of an attempt to carry them into execution by force, all America ought to support the people of Massachuset's Bay, and recommended a continuance of the subscriptions for relief of the inhabitants of Boston. They afterward requested the merchants and all other persons in the various colonies, to transmit no new orders for goods to the mother-country, but to countermand or suspend those already issued; and formed resolutions for discontinuing, after the first of December, the importation and use of all goods from Great Britain and Ireland, and for the cessation of all exports to those countries, and to the West Indies, after the tenth of September 1775; and they declared the seizure of any person, for the purpose of transporting him beyond the sea, to be tried for an offence committed in America, contrary to law; it would justify, and ought to meet with, resistance and reprisal.

Resolutions of the Suffolk meeting.

Further recommendations. 22d Sept.

27th.

30th.

Meanwhile the committee, appointed for that purpose, had submitted to congress a series of resolutions forming a DECLARATION OF RIGHTS, which was adopted, and published by authority. It was prefaced by an enumeration of grievances since the termination of the last war, among which were cited the declaratory act, establishing the right of Great Britain to bind America in all cases whatever; the imposition of taxes for the purpose of raising a revenue; the establishment of a board of commissioners; the extension of the admiralty jurisdiction; the alteration of the establishment of judges; the revival of the obsolete statute of Henry VIII.; the

Declaration of rights. 14th Oct.

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three acts of the late session relative to Massachuset's Bay, and that for establishing the government of Quebec; the dissolution of assemblies, and the disregard shown by ministers to petitions for redress. Under these circumstances, the *good people* of the twelve colonies justly alarmed at the arbitrary proceedings of parliament and administration, had appointed deputies to a general congress, in order to obtain such an establishment as would secure their religion, laws, and liberties from subversion. Therefore the deputies did, in the first place (as Englishmen, their ancestors, had usually done in like cases) form a declaration, for the purpose of asserting and vindicating their rights and liberties.

They claimed their RIGHTS as founded on the immutable laws of nature, the principles of the English constitution, and their several charters or compacts. From these latitudinarian and incongruous sources, they principally assumed for themselves an absolute title to life, liberty and property, which no sovereign power could dispose of without their consent. Their ancestors, they said, possessed, and had not forfeited by emigration, all the rights, liberties, and immunities of Englishmen, and their descendants were therefore entitled to them, so far as circumstances would admit. The foundation of all free government being a right to participate in a legislative council, and the circumstances of America rendering it impossible for them to be represented in the British parliament, they claimed a right to free legislation in all cases of taxation and internal polity, subject only to the King's negative: they were willing, however, to consent to the operation of British acts of parliament, *bona fide* restricted to the regulation of commerce, but excluding every idea of taxation, internal or external. The respective colonies were entitled to the common law of England, and to the benefit of all statutes which existed at the time of their colonization, and particularly to the inestimable privilege of a trial by their

peers, and in their own vicinage. They were also entitled to all the immunities and privileges granted by their charters, and secured by the provincial laws. They had a right to assemble to consider of their grievances; and all prosecutions, prohibitory proclamations, and commitments, on that account, were illegal, as was the keeping a standing army in any of the colonies in time of peace, without consent of the people. And finally, the exercise of legislative power in several colonies, by a council appointed during pleasure by the crown, was declared unconstitutional, dangerous, and destructive to the freedom of American legislation. These rights, they asserted, could not be legally taken from them, altered or abridged, by any power whatever, without their own consent, by their representatives in their several provincial legislatures. Then recapitulating their grievances, to which they could no longer submit, they declared their adoption of the present measures to be founded on the hope that their fellow-subjects in Great Britain would restore the Americans to that state in which both countries had found happiness and prosperity.

Non-consumption association.

Their first proposition was an association or agreement against importation or consumption of any articles of British commerce, and against the exportation of their own produce to Great Britain, Ireland, or the West Indies, *except rice to Europe*. A committee was to be chosen in each colony, to superintend the execution of the agreement, and the committees of correspondence were directed frequently to inspect the entries of the custom-houses, for the purpose of informing against such merchants as violated the association, with whom the congress, for themselves and their constituents (who were bound by their signature) agreed to have no commerce or intercourse, but to consider them unworthy the rights of freemen, and inimical to the liberties of their country. The agreement was to continue in force till the repeal of *all* the acts of parliament which constituted their grievances; but

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some of the articles would in their effect be perpetual, particularly that for encouraging the growth of wool, and one for abolishing the slave-trade.

21st Oct. Address to the people of Great Britain.

Another of their measures was to address the people of Great Britain; those of their own colonies, and of Canada separately. In each of these productions great artifice was used in directing appeals to feeling and prejudice, and in citing such circumstances as were calculated, through hope or fear, to gain adherents to their cause. The people of Great Britain were reminded of the struggles maintained by their ancestors in the cause of liberty, and told that the project of ministers in endeavouring to enslave the Americans, derived from the same stock, tended only to the more easy introduction of slavery at home. They claimed a participation of British rights, and flattered the national pride, by affecting to make the freedom of Englishmen the model and scope of their wishes. They recapitulated their services in the former war, and proceedings of parliament since that time, extenuating the plunder of the tea ships, which they described as a personal, not a public affair, the remedy of which ought to have been sought by the sufferers in the courts of law, without an appeal to parliament. They endeavoured to excite national indignation against the late acts, and directed the severest invectives against the new system in Quebec, as being intended to overthrow the liberties of the British colonies by a vast influx of Catholics, swelled by emigrations from Europe. "We cannot suppress our astonishment," they say "that a British parliament should ever consent to establish a religion which has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder, and rebellion, through every part of the world." Declaring that the view of ministers in endeavouring to tax America at pleasure, was merely to draw such immense sums into the royal coffers as would render the King independent of parliament, and that a successful contest would be attended with

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no other consequence; they demanded, as the means of restoring harmony, to be placed in the same situation they were at the close of the last war.

Address to the colonies.

The address to the colonists contained a recapitulation of all the acts of the British government, against which exceptions were taken; a review of the conduct of the American governors; a vindication of the proceedings at New York and Boston; and a general rehearsal of late grievances. The act for the government of Quebec was stigmatized, and every political and religious prejudice invoked against it. From this detail, as well as from *authentic intelligence received*, the congress inferred, as an indubitable position, that a resolution was formed, and then carrying into execution, to extinguish the freedom of the colonies by subjecting them to a despotic government. Although the state of affairs, they proceeded to observe, would justify *other measures*, yet weighty reasons induced the preference of those they had adopted. Then recapitulating the resolutions they had taken, they enforced the necessity of observing them, and frequently alluded to the probability of forcible resistance, advising the people to extend their views to the most unhappy events, and to be prepared for every contingency. The address concluded in the genuine style of puritanical cant, by an earnest entreaty that the people would, above all things, with devotion of spirit, penitence of heart, and amendment of life, humble themselves, and implore the favour of Almighty God, whose divine goodness was fervently besought to take them into his gracious protection.

Address to the people of Quebec.

26th Oct.

After the abuse lavished in the foregoing addresses on the Canadians, and the malevolence employed in raising prejudices against their religion and laws, it appears surprising to find them invoked as friends and fellow-citizens to join the colonies, and send deputies to the next congress. They were told that the constitution bestowed on them by parliament was a violation of the King's promise at the peace; that British rights

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ought to have been in justice substituted for Gallic jurisprudence. Liberty of conscience in religion was stated to be a right of nature, for which they were not obliged to the act of parliament; for if laws divine and human could secure it against the despotic attacks of wicked men, it was secure before. These principles were enforced by artful citations from foreign writers, particularly Montesquieu and Beccaria, and recommended by insidious appeals to the love of glory so prevalent in the French character. On an union with the other colonies, the people of Quebec were told, would depend the alternative of being governed and protected by just and equitable laws, or subjected to all the evils of the English constitution, and French government: these were enumerated in formidable array; the inquisition and the excise; partial judges, and arbitrary governors; privileges and immunities dependent on the smiles or frowns of a minister, *lettres de cachet*, jails, dungeons, and oppressive service; all these were displayed as the apparatus of a government no less absolute than that of the despots of Asia or Africa.

26th Oct. Petition to the King.

The petition to the King, after enumerating all their grievances, some of which were of a specific, others of a general nature, presumed, that to a sovereign who "gloried in the name of Briton," the bare recital must justify the loyal subjects who fled to the foot of his throne, and implored his clemency for protection. They attributed all the distresses, dangers, fears, and jealousies, which overwhelmed the colonies with affliction to the destructive system of colonial administration, adopted since the conclusion of the war. "Had our Creator," they said, "been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But thanks be to his adorable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your royal ancestors, whose family was seated on the British throne to rescue and secure a pious and gallant nation from the popery and

despotism of a superstitious and inexorable tyrant." Feeling as men, and thinking as they did, silence would be disloyalty, and as the King enjoyed the signal distinction of reigning over freemen, the language of freemen could not be displeasing, but his indignation would rather fall on those designing and dangerous men who daringly interposed between him and his faithful subjects, and who for several years past had been incessantly employed in dissolving the bonds of society, abusing His Majesty's authority, prosecuting the most dangerous and irritating projects of oppression, and accumulating on the petitioners injuries too severe to be any longer tolerable. Such sentiments, they said, were extorted from hearts that would much rather bleed in the King's service. The charges of the administration of justice, and the support of civil government, they said, had been always sufficiently provided for; the constitutional militias were adequate to the protection of the colonies in time of peace, and in war they would always be willing, when constitutionally required, to make strenuous efforts in granting supplies and raising forces; these proofs of attachment were equally honourable to the prince who received, and the people who tendered them; the petitioners prized the privilege of so expressing their attachment too highly ever to resign it to any body of men on earth, and doubted not that the purity of their intention, and the integrity of their conduct, would justify them at that grand tribunal before which all mankind must submit to judgment. They asked only for peace, liberty, and safety; not desiring a diminution of the prerogative, or the grant of a new right: the royal authority over them, and the connexion with Great Britain, they would always carefully and zealously support and maintain. They presented their petition only to obtain redress of grievances and relief from fears and jealousies, occasioned by a system of statutes and regulations

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adopted since the war, which they enumerated by recapitulating all the acts affecting America, and then, appealing to that Being who searches thoroughly the hearts of his creatures, solemnly professed that their councils had been influenced by no other motive than a dread of impending destruction.

Instructions to their agents.

This petition was transmitted to the colonial agents, with instructions, after delivering it into the King's hands, to make it public through the press, together with their list of grievances, and to circulate, as early as possible, their address to the people, through all the trading cities and manufacturing towns.

26th Oct. Dissolution.

After these proceedings they dissolved, having first passed a resolution for convening a new congress on the tenth of May.

Observations on their proceedings.

The acts of congress and the general tenor of their determinations, evidently indicated that a plan of hostility and separation from the mother-country was profoundly meditated, and unremittingly pursued by those who possessed the greatest influence, and whose exertions gave a colour to all the proceedings. Most of the resolutions adopted, and the general purport, as well as many marked expressions, in the association, addresses, and petitions, pointed decidedly to resistance and independence: even the studious and laboured manner in which those views were verbally renounced, while they were really pursued, contributes to enforce a conviction that the expressions of loyalty and submission were intended only to conceal sentiments diametrically opposite. Fettered as some of the members of the congress were by the instructions of their constituents, many of which enjoined them to pursue none but proper, prudent, and lawful measures, they could not openly advance their claims, and were therefore obliged to assume such a mode of conduct as would secure the greatest share of popularity and diffuse the smallest portion of alarm. Even in the bosom of the congress that unanimity did not prevail which is indicated in

the publication of their proceedings: the plans recommended by some of the demagogues were too violent, and the principles advanced in their support too daring to be adopted by all the members; hence it frequently appears on the journals that strenuous debates were maintained; questions adjourned, and reports recommitted: the effect of these disagreements was, however, prevented from reaching the public, by an artifice of the leaders of the republican party, who, before any business was proceeded on, persuaded the other members to bind themselves in an agreement that their names should be subscribed to whatever might be decided by a majority, and to enter no protest or dissent on the minutes [d]. Two parties were formed at the beginning of the sittings: the one, consisting of men of loyal principles, and possessed of considerable fortunes, who had no intention but that of candidly and clearly defining American rights and charters, and explicitly and dutifully petitioning for redress of grievances; these, meaning to do only such things as were reasonable and just, were open and ingenuous. The other party, composed of congregational and presbyterian representatives, men of bankrupt fortunes, and overwhelmed in debt to British merchants, were desirous to throw off all subordination to, and connexion with Great Britain; they endeavoured, by fiction, falsehood, and fraud, to delude the people from their allegiance, to reduce government to a state of anarchy, and incite the ignorant and vulgar to arms, for the purpose of establishing independence: these men were secret and hypocritical, and essayed every art to conceal their

[d] The exception of rice in the association is an instance of the address of the leaders of congress in managing individual interests, and suppressing opposition. The article was at first framed without any exception, but the delegates from Carolina insisting that their constituents would be ruined, and threatening to absent themselves unless a modification were devised, occasioned the ridiculous interpolation of the words except rice *to Europe*, in an agreement forbidding exports to Great Britain and Ireland.

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intentions. These parties held each other in check for some time; but at length the demagogues triumphed; the lassitude attending a perpetual system of defence, and the unwillingness continually to impute principles which were constantly denied, diminished the alertness of their opponents, while the temper infused into the populace, the frequent messages from the provincial congress of Massachuset's Bay, and the examples daily exhibited, of tarring and feathering obnoxious persons, gave additional spirit to the violent, and increased the timidity of the moderate.

These differences of opinion, and necessities of conciliation, account for some incongruities in the proceedings. The declaration of rights is a strong instance; it is founded at once on the laws of nature, those of society, and royal charters; professes at once a duty of obedience, and right of self-government; avows a dependence on British acts of parliament, to the period of the colonization of America, yet denies the right of the mother-country to a subsequent power of legislation. It would result from these principles, that colonies planted at different periods, were subjects in different degrees, and that the parliament of Great Britain, repealing one of the ancient statutes, could not give force to the repeal in America, without separately consulting each of the governments. The charters were appealed to as the basis of rights, and yet such of them as appointed an independent legislative council were to be abrogated as derogatory to the rights of nature. The petition to the King was merely an insidious mockery; the professions of loyalty were not calculated to give the sovereign assurances of peaceable domination, but to vindicate the petitioners from well-merited charges of disaffection, without renouncing the mode of conduct by which those charges were incurred. The address to the people of America breathes a spirit of hostility and resistance alone; that to the Canadians discovers the

deepest and most inveterate malignity against Great Britain, and is replete with mean artifices to cajole the people into disaffection: the appeal to the people of Great Britain is of the same order, tending to disseminate alarms and jealousies, and create, by means of terror, interest, or policy, a party favourable to the American cause. Their committees were always composed of the most fiery republicans, which may account for the extent and presumption of some of their claims, such as those of repealing all the acts made to affect them since the peace, of insisting on a change of ministers, and of obtaining every demand without the least concession or promise of reparation for the wrong avowedly committed[e]. Yet whatever arts were used in conciliation, or whatever advantages gained in debate, the general congress seemed so little likely to gratify, in their utmost extent, the wishes of the leaders, that it was on the point of separating without passing a resolution to re-assemble, until Silas Deane, one of the members for Connecticut, without previous communication, introduced the proposition.[f]

Effects of the congress.

After the separation of congress, the middle and southern colonies, where insubordination had before made but little progress, appeared actuated by the same spirit as the inhabitants of New England. The intention of military resistance was openly avowed and cherished; the militia were assiduously drilled, and arms were provided with great industry and perseverance. On the information of the different governors, the ministry found it necessary to issue a proclamation, forbidding the export of warlike stores; but this prohibition produced only a greater degree

Royal proclamation.

[e] This account is derived from the journal of proceedings of congress, and extracts from the votes, &c. Philadelphia, printed; reprinted by Almon, London, 1775. Also from several tracts, both American and English, particularly, "What think ye of the Congress now?"—Galloway's tracts—and Tucker's fifth tract on American subjects.

[f] From private information, by one who had the fact from Silas Deane.

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of eagerness, and some riots. Mills and manufactories were established for the structure of arms and composition of gun-powder, and premiums were offered for the production of salt-petre.

Insurrection at Rhode Island.

On the proclamation reaching Rhode Island, forty pieces of cannon belonging to the crown were seized, with the avowed intention of preventing them from falling into the hands of the King's troops, and the declaration was accompanied with a threat of resistance, should the recovery be attempted. The assembly of the province sanctioned these proceedings, by passing resolutions for procuring, at the public expence, arms and military stores, and for training the militia.

14th Dec. And in New Hampshire.

The proclamation also occasioned an insurrection in New Hampshire, where a number of armed men surprized a small fort, called William and Mary, imprisoned the garrison, consisting only of an officer and five men, and did not release them till they obtained possession of the ordnance, gun-powder, and military stores.[g]

[g] In this chapter, reference has been had to the papers laid before parliament, the periodical publications, Almon's collections of papers, and Remembrancer; Stedman, Andrews, and Ramsay; the history of Lord North's administration, and a great variety of tracts and pamphlets.

CHAPTER THE TWENTY-FOURTH.

1774.

View of government and opposition. — Independency the real aim of the Americans. — Effect of corresponding committees. — Of the proceedings in Massachuset's Bay. — Of the acquisition of Canada. — Of the proceedings of congress. — Of the efforts of opposition. — Of the acts of last session. — Of the debates on them. — Error of considering the tax on tea the real cause of disturbances. — First effects of the Boston port act — Publications in England. — Irresolution of ministry. — Dissolution of parliament. — Tests proposed — Characters of leading men: — the Lord Chancellor — Lord Mansfield — Lord Sandwich — Lord Hillsborough — Lord Gower — Lord Dartmouth. — Lords in opposition: Lord Chatham — the Marquis of Rockingham — the Duke of Richmond — Lord Shelburne — Lord Camden — the Dukes of Devonshire and Portland. — Principal members of the lower House: — Mr. Rigby — Sir Gilbert Elliot — Sir Grey Cooper — Mr. Dundas — Mr. Jenkinson — Mr. Thurlow — Mr. Wedderburne. — Opposition: — Serjeant Glynn — Mr. Dunning — Sir George Savile — Mr. Burke — Mr. Charles Fox.

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1774. View of government and opposition.

AS we are now entering on the period when Great Britain was about to commence a severe and arduous contest, it will be proper briefly to review the motives and principles of action on each side; to consider the means of information which government possessed, or might have obtained; to examine the theories and arguments of opposition, and to delineate the chief political characters who supported and oppugned the measures of administration.

The Americans' real aim, independency.

The thin veil with which the Americans covered their designs rendered only a small degree of penetration necessary to discover that absolute independence was the aim of the principal leaders; that they contemplated a revolution as a glorious era, and were prepared rather to plunge their country into the hor-

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rors of civil war than renounce their favourite project. Hence their complaints of grievances were clamorous, frequent, and specific; while their professions of attachment and loyalty were merely general, and attended with no precise offers of conciliation or satisfaction. The range of complaint comprised in their late petitions and addresses, extended beyond the possible hope of royal interposition or parliamentary redress: no body of men who had formed or supported any administration since 1764, escape censure; nor could any party attempt conciliation without dereliction of some principle, or the establishment of some claim derogatory to the interest and honour of the country. Nor was cordial conciliation probable on any terms; the hour of separation from the dominion of the parent land was anticipated with anxiety. America, flattered by political prophets, proud of her strength, her extensive domain, her wealth and population, (undoubtedly increasing, though greatly exaggerated by the demagogues,) and flushed with eager hope of augmenting her subjects by immense emigrations from Europe, bore with impatience the yoke of subjection, and made strenuous exertions to accelerate the period of emancipation.

Efforts of corresponding committees.

The union, effected among the colonies, by means of corresponding committees, was a death-blow to the authority of Britain; the Americans were sensible of the advantage, and as soon as the co-operation of all parts of the continent was ensured, advanced bolder claims, diffused broader principles of government, and assumed with less disguise the port and mein of defiance. The references made in their declaration to the rights of nature, the intimation that like their ancestors they proceeded before the adoption of other measures, to state their grievances and their rights, and their frequent exhortations to arms, all prove that plans of revolution and resistance were already meditated and digested. Motives of common safety, when they had once assumed an hostile position, cemented

the jarring interests of the colonies, and for the time subdued their inveterate jealousies. CHAP. XXIV.

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The proceedings in the different provinces, especially Massachuset's Bay, before the meeting of congress, were calculated to alarm the government of Great Britain. Already had the legislators avowed that they knew of no authority in the mother-country to collect a revenue, and that submission to acts of parliament made in England, was an inadvertence which ought to be corrected: these pretensions had been supported by violence, tumult, and defiance; nor did measures of severity produce the desired effect; resistance only became more general, and the cause of government more hopeless. Of the proceedings in Massachuset's Bay.

A contest with the colonies could not be advantageous to Great Britain; a failure in the ultimate object would be attended with great loss and disgrace, and success would only produce disasters and damages in a valued member of the empire, which must, in the event of a pacification, be repaid, to the injury of the whole body. By acquiring the dominion of Canada, Great Britain, in fact, promoted the American revolution: so many subjects, animated with a spirit of independence, feeling their own force, and exempt from every fear, would not be restrained by a distant power, whose protection they no longer needed, and whose sway they regarded as tyrannical. Of the acquisition of Canada.

The spirit of the British constitution is unfavourable to those strong and prompt measures which could suddenly check and prevent impending revolution. Had the government been despotic, and the behests of the sovereign the only rule of law, the Americans might have been retained in subjection; but while their complaints and petitions were daily discussed in every form, and in all societies, while their agents were occupied in every part of the kingdom in conciliating the people to their pretensions, their cause could never fail in gaining partizans. The boldness of a claim to liberty always finds ad- Of the proceedings of Congress.

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mirers and advocates in England; the recollection of their own struggles excites sympathy in British bosoms, and a similar contest, however unjustly commenced, or iniquitously pursued, will be secure of adherents. Many of their complaints were not devoid of plausibility, and many of their pretensions were well-founded in abstract theory, however repugnant the whole mass of their claims might be to any practical system. The extent of disaffection, and progress of resistance, rendered inevitable some measures, the complaints against which could be supported by arguments drawn from the fundamental principles of the British constitution. Ministers who, at such a crisis, should neglect strong measures, would be liable to reprehension: but it must ever afford cause of regret, when the turbulence and violence of the times render any deviation from those principles absolutely necessary for the maintenance of order and government.

Of the efforts of opposition.

The efforts of opposition in the late session of parliament did not benefit the American cause so much in England as in America; the adducing of arguments in their favour in the very senate of the country, whose interest was supposed to consist in opposing them, gave new animation to their partizans. Yet the efforts of opposition were not calculated to amend, if it was erroneous, the conduct of the minister. The system of parliamentary opposition is generally, with justice, deemed a contest for power, in which members, for the sake of distressing the ministry, and acquiring popularity, will assume a latitude in discussion, and avow principles which do not form the basis of practical government. Their advice is never taken as sincerely intended for the advantage of the minister, but as an attempt to render his proceedings odious, by showing that they might have been more wise and just.

Of the acts of last session.

The general concurrence with which the Boston port act was passed, and the animated declarations by several members of opposition, that severe measures

of castigation were necessary against that town, were calculated, though perhaps not intended, to mislead the minister. In vain would that measure have been sanctioned, if the charter, the source of all the disorders, was left unaltered, or if men disposed to exert themselves in the cause of government, were delivered up unprotected to the fury of those who conceived themselves aggrieved. Thus the two other bills became indispensible: and the opposition to their progress must have been regarded as a surprise, or more probably a party manœuvre, as the petitions to parliament, and the protests of the lords, appeared written with a systematic concurrence of sentiment in decrying every measure relative to America since the stamp-act was repealed, and the declaratory law enacted, and promising the restoration of tranquillity if the same measures were again pursued. But if these politicians were sincere in their expectations, how must they have been astonished when the congress declared their right to an exemption from all acts passed since their colonization? How disconcerted when, in the enumeration of grievances, the declaratory act stood prominent on the list, and was assailed with great asperity?

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Prophecies of resistance, when made in general terms, were not entitled to more credit than those of submission, if certain relief were granted; that of Governor Pownall[a], which displayed the means and measures of American opposition, is remarkable for its truth in detail, but contains no principle by which government could ascertain its correctness, nor any mark by which it could be distinguished from an imperfect information of certain facts, and a disposition to prognosticate what the prophet rather wished than expected. All members acquainted with America, whether adherents of ministry or oppo-

Of the debates on them.

[a] See page 90 of this volume.

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sition, agreed that no native military force could resist the troops of Britain. This would have been an impolitic and cowardly motive for urging hostilities, but was surely a good ground for concluding that a desperate and impolitic opposition to legal authority would not be maintained with perseverance. The unimportance of the supposed cause of contest, and the certainty expressed by Lord North, that, on a show of submission, conciliatory measures would be adopted, must also have contributed to impress a belief that the Americans would not risk a conflict so desperate and unequal.

Error of considering the tax on tea the real cause of disturbances.

It was a great error, both in ministry and opposition, to regard the tea-tax as the cause of the American disturbances; it was indeed the point on which the contest with Great Britain was to be raised; but not the repeal of that tax, or any other measure, save such a general system as would leave to the mother-country only a nominal sovereignty, would have restored tranquillity. In their demands on government they avowed the full extent of this principle, and in marking the line of their voluntary subjection, reserved a ground for future cavil, by declaring they would submit only to such acts as were *bona fide* intended for the regulation of their trade.

First effects of the Boston port act.

The information received from America for some time after passing the Boston port act, afforded the best hopes of its beneficial effects: the non-importation agreement recommended by the people of Boston, was said to be coldly received in some places, and rejected in others; but in proportion to the assistance they obtained, and the resolution they expressed, their spirit diffused itself among the colonies, till the general congress completed the ascendancy of disaffection. Some of the governors gave hopes that the popular rage would cool; others appreciated more justly the effects of a contagious enthusiasm; and the governor of South Carolina in particular, drew an alarming though just

picture of the consequences to be expected from the diffusive spirit of opposition.[b]

So important a crisis could not fail of calling forth great diversities of political opinion, which were detailed through the press, and formed the creeds of different parties. On one hand the supremacy of British authority, and the right to tax and coerce the colonies in every case, were asserted; on the other it was affirmed, that from the moment men transplanted themselves from their native shores, and ceased to be represented in the senate of their country, the duty of obedience ceased; every act of sovereignty in the parent state was absolute tyranny, and ought to be resisted. These extreme doctrines were argued with great warmth, but little effect; their establishment would necesssarily depend on other resources than mere words; and as the writers drew their materials from sources widely different, and reasoned from principles diametrically opposite, no medium could be imagined by which their opinions could be so reconciled as to form a guide to peace without dereliction of national honour, and what had ever been considered national property.

The question, in what manner the exigency of the

[b] He said, "I observe with great concern, that this spirit of opposition to taxation, and its consequences, is so violent, and so universal throughout America, that I am apprehensive it will not be soon or easily appeased. The general voice speaks discontent, and sometimes in a tone of despair, as determined to stop all exports to, and imports from Great Britain, and even to silence the courts of law, foreseeing, but regardless of, the ruin that must attend themselves in that case; content to change a comfortable for a parsimonious life, to be satisfied with the few wants of nature, if by their sufferings they can bring Great Britain to feel.

"This is the language of the most violent, others think it is going too far; and the most violent too often prevail over the most moderate. When man shall in general lay aside the hopes of getting riches, and abandon the employments of agriculture, commerce, and mechanic labour, what turn their leisure time under such circumstances may take, I submit to your lordship's knowledge of history, and of the human mind. Such sudden and great changes in the manners of an extended thriving people, among whom the gazettes are filled with such variety of articles for luxury, is scarce credible, though possible; but the continuance of it very improbable. The first account of the result of congress at Philadelphia, may reach your lordship the beginning of November. I think it my duty to make this true and faithful representation of the disposition and temper of the people, however disagreeable it may appear, and to confide in the royal wisdom for the remedy." See governor Bull's Letter to the Earl of Dartmouth, dated, 31st July, 1774.

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times should be encountered? occasioned more instructive and interesting discussions. Those who rather led than followed the Americans, in denying the authority of Great Britain, recommended abject and total submission on the part of the mother-country: they proposed to withdraw the ships and troops from their shores, and owning their right to a separate government, receive with humility, at the hands of those who were so lately considered as subjects, an amnesty for past wrongs, and a precarious friendship and conditional alliance in future.

Those who were more covert advocates of the cause of American independence, who affected to consider taxation as the only grievance complained of, advised a complete abandonment of all views of revenue, and a restoration of the political relations of the two countries as they stood at the close of the late war. This was the fashionable doctrine of parliamentary opposition, and was recommended through the press, by sentiments of peace and conciliation, and assurances of retaining the greatest, and most essential source of British opulence. Some differences prevailed among these writers, respecting the measures to be adopted, if conciliatory efforts failed; all appeared to consider the thunder of British vengeance as infallibly sure to strike to earth a contumacious spirit of resistance; but few had the magnanimity, like Lord Chatham, to record their opinion of its expediency, if required. The progress of events, in the course of the year, made it apparent, that no sacrifices which Great Britain could make, less than an absolute dereliction of all authority, would be attended with the desired effect, and therefore the counsels of this class of reasoners were daily in less repute, and considered as distempered speculations.

One writer alone[c], well versed in history, commerce, and politics, penetrated into the true question in dispute, and the probable results. He saw that

[c] Dr. Tucker, Dean of Gloucester.

the struggle was in fact maintained for independence; a long war would be necessary to enable Great Britain to obtain her former ascendancy; but the expense of such a contest would more than countervail all the advantages to be derived from an enforced and sullen submission, unaccompanied with cordial esteem, or a real desire to promote the interest of the mother-country. He estimated justly the natural and legislative right of Great Britain, and exposed, in striking colours, the fallacy of reasoning, by which American ingratitude and contumacy were vindicated. His advice was bold and decisive; to avoid the expense and difficulties of protracted hostilities, and the dangers of speculative discussions, by throwing off at once the connexion with America, giving her the independence she coveted, and leaving her to defend, provide, legislate, and form alliances for herself. This project was no less wise than noble; but was utterly impracticable in a deliberative government like that of Britain, where responsibility is attached to advice, and where the people had been taught to affix so high a value on the American connexion. The most ambitious and daring of mankind would not have ventured to accept the situation of minister, on condition of enforcing such a plan.

The ministry were fully imbued with the opinions currently entertained, of the great importance of America[d]; and feeling, with just consciousness, the valour and resources of the mother-country, were more ready to accede to the arguments of a fourth class of reasoners, who recommended, that con-

[d] On this subject, Lord Dartmouth, secretary of state for the colonies, used the following expressions in a letter to General Gage, dated 3d June, 1774. "The constitutional authority of this kingdom over its colonies must be vindicated, and its laws obeyed throughout the whole empire. Not only its dignity and reputation, but its power, nay, its very existence depends upon the present moment; for should those ideas of independence, which some dangerous and ill-designing persons here are artfully endeavouring to instil into the minds of the King's American subjects, once take root, that relation between this kingdom and its colonies, which is the bond of peace and power, will soon cease to exist, and destruction must follow disunion."

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cession on the part of America should precede any effort at conciliation by Great Britain. If the social compact between the two countries must be new-modelled, the mother-country should have the privilege of dispensing her benevolence, and not be compelled reluctantly to concede extorted claims. Rather than be thus degraded, she ought to assume all the terrors of indignation, restrain the factious, awe the turbulent, and punish the guilty.

Irresolution of ministry.

The necessity of recurring to arms was, however, regarded with alarm and extreme reluctance. Hence the ministry temporized till the spirit of faction had gained too great a height to be effectually suppressed, and discordant sentiments, relative to the employment of force, or the trial of conciliatory methods prevailed even in the cabinet, palsied the vigour of government, and gave an air of indecision to all their proceedings. Their severities consequently failed to impart terror, and the Americans, instead of returning to their duty, cheerfully braved difficulties, and even courted hostilities.

30th Sept. Dissolution of parliament.

In the course of the autumn the parliament was suddenly dissolved.

Tests proposed.

Before this event, tests had been proposed in many counties, cities, and boroughs, calculated to bind the representatives to support or resist certain measures: this unconstitutional and pernicious practice was not general, and was frequently rejected, even by those candidates who might be supposed most anxious for popularity. Mr. Wilkes, who was elected to represent the county of Middlesex, at a meeting of freeholders, jointly with his colleague serjeant Glynn, proposed and signed a test, containing most of the articles of the popular creed. Although the notices of election were extremely short, the contests in many parts of the kingdom were maintained with great spirit and perseverance; and many who had seats in the former parliament were rejected.

Characters of leading men.

The house of lords contained at this period many members of distinguished abilities, who supported the

measures of government. Lord Apsley, afterwards Earl of Bathurst, filled the office of chancellor; he had passed through the labours of his profession with reputation, holding successively the posts of solicitor and attorney-general to Frederick Prince of Wales, and of attorney-general to the princess dowager: in 1754 he was made a judge of the court of common pleas, and in 1771 received the great seal, after being one of the commissioners from the death of Mr. Charles Yorke. His eloquence was clear and methodical, but his views of politics were not extensive, nor his exertions in debate frequent, or essentially serviceable.

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1774. The Lord Chancellor.

William Earl of Mansfield, lord chief justice of the king's bench, had long maintained an unrivalled reputation as a lawyer, and an exalted character as a statesman. He was perfectly acquainted with the history and constitution of England, versed in the practice of its laws, and enlightened by all the information necessary to form a comparison and connexion between them and the best of ancient and modern systems. He obtained a seat in the house of commons in 1742, when he was in his thirty-eighth year, his faculties no less matured by experience than improved by study. He commenced his parliamentary career as a supporter of Lord Carteret's administration, which was vehemently opposed by Mr. Pitt, and his eloquence was no less celebrated in the senate than at the bar. His language was natural yet elegant, arranged with method, and applied with the utmost ingenuity; his images were often bold, always just; his eloquence flowing, perspicuous, convincing, and impressive. He was endowed with a most retentive memory, which rendered his replies irresistible from the facility of repelling the arguments of his adversaries, and exposing their fallacy, weakness, or absurdity. He affected no sallies of imagination or bursts of passion, but made his appeal rather to the reason than the feelings, and did not, even when at-

Lord Mansfield.

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tacked, condescend to personal abuse or petulant altercation. His speeches were characterized by acuteness, and recommended by clearness and candour; his reasoning introducing itself so easily into the minds of his hearers, as to convey information and conviction. His manner was moderate and decent, not presuming and dictatorial; but expressive of that dignity which, arising from superiority, does not produce disgust. Though of low stature, his person was remarkable for ease and grace; he possessed a piercing eye; a voice finely toned; his action was at once elegant and dignified, and his countenance replete with fire and vivacity. He supported through life the utmost consistency of political conduct, never courting popular applause, so much as the approbation of the wise and good, yet not intimidated by the appearance of danger, or the fury of party, from pursuing that conduct, or enforcing those sentiments which were dictated by his own conviction. Too mild to be the leader, too wise to be the dupe of any party, he was believed to speak his own sense of public measures. The house of lords paid greater deference to his authority than to that of any other individual; and he was frequently consulted by the King. The perspicacious eye of envy and jealousy could not establish a fault in his political conduct[e], and malignity was reduced to the miserable resource of extorting from his descent the means of indirect implication, imputing to him those attachments and principles by which his relatives were influenced; but which he had not, in his juridical or senatorial capacity, ever adopted. Lord Mansfield was a conspicuous and constant supporter of administration in the American contest: in 1766, he had delivered his opinions on the subject of British authority, and American resistance, in the house of

[e] He was severely attacked by Wilkes, Junius, Andrew Stuart, and others; but even when party rage was highest, their efforts produced only a clamour of the populace: men of sound judgment, in every rank, and of all parties, have since concurred in acknowledging the futility of the accusations.

lords [f], and the judgment he then professed appears to have swayed him in every subsequent crisis. [g]

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1774.

The Earl of Sandwich, first lord of the Admiralty, was a veteran in parliamentary contest, and official employ, having, in 1739, taken his seat in the house of lords. He joined the Duke of Bedford, in his opposition to Sir Robert Walpole, and continued with the duke in opposition to the succeeding administration. On the formation of the broad-bottom ministry in 1744, he was appointed a lord of the Admiralty; and in 1746, plenipotentiary at the congress of Breda, in which character, in 1748, he signed the peace of Aix-la-Chapelle. On his return he was made first lord of the Admiralty, and a privy counsellor. He was removed in 1751, but regained an official situation in 1755, when he was constituted joint vice-treasurer of Ireland. He resigned his office in 1763, on being nominated ambassador extraordinary to the court of Spain, but his personal services were not exerted in that situation, and he was, in 1763, re-appointed first lord of the Admiralty. In the Duke of Bedford's administration he held the seals of secretary of state; on the dissolution of that ministry, in 1765, was again out of office till 1768, when he became joint post-master general; on the termination of the Grafton administration, in 1770, he received the seals of the home department; and in 1771, again became first lord of the Admiralty. In all his official employments, Lord Sandwich displayed great vigour and judgment, in introducing reform, economy, and activity. In the Admiralty those qualities were peculiarly required, as since the conclusion of the late war, great negligence had

Lord Sandwich.

[f] "Proceed, then, my lords," he said, "with spirit and firmness, and when you shall have established your authority, it will then be time to shew your lenity." See Holliday's Life of Lord Mansfield.

[g] This delineation is derived from the characters of Lord Mansfield, by Bishop Newton, Dr. Johnson, Bishop of Worcester, and various other authorities collected by Holliday, in his Life of Lord Mansfield, p. 456, et seq. and from private information.

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prevailed, insomuch that, at the period of the dispute with Spain, respecting Falkland's Islands, it was much doubted whether the naval force of Great Britain could cope with that of the Bourbon family. The good effects of Lord Sandwich's exertions were perceptible in 1773, when the menaces of a British armament were sufficient to deter France from engaging in the war between Russia and the Porte: but the complete re-establishment of a marine force, after a long period of indolence, negligence, and improvidence, accompanied with that parsimony, which incurs infinitely more expense than it avoids, was a task of great labour, and required time for its completion. The introduction of care and subordination in departments where waste and disregard of discipline had long prevailed, created many personal enemies, and none of the ministry experienced more severe and frequent attacks than the first lord of the Admiralty. In debate he was rather able and intelligent, than brilliant and eloquent: his arguments were strongly pointed, and his speeches distinguished for sound sense and appropriate knowledge. His unruffled temper gave him great advantages in the refutation of charges: and the house listened to him with great attention, from a conviction that he was not an obtrusive orator, but spoke only when he possessed essential and exclusive information. [h]

Lord Hillsborough.

The Earl of Hillsborough, though no longer secretary of state for the colonies, continued to give his advice and assistance to the ministry. He supported their proceedings with zeal, firmness, and ability: his experience made him a competent judge of the great topics of dispute, and in debate, rendered ready and effectual services.

Lord Gower.

The measures of government were officially supported by Earl Gower, lord president of the council, who obtained a seat in the house of commons, in

[h] Derived principally from memoirs of Lord Sandwich, by the Rev. John Cooke, M.A.

1744, and ever since that period had been a distinguished member of the senate, and filled several offices of respectability; the Earl of Dartmouth, secretary of state for the colonies, who chiefly confined himself to the details of office and explanations required in the course of debate, and for some time by the Duke of Grafton, lord privy seal. CHAP. XXIV. 1774. Lord Dartmouth.

The opposition was formidable on account of acknowledged talent, and the popularity of many of its members.

The Earl of Chatham, seeming to acquire new vigour from the importance of the crisis, was indefatigable in exposing to censure the conduct of administration. His declining sun shone with meridian splendour, and never were his extraordinary faculties displayed with greater energy than during the American contest[1]. The popularity and success of his own administration; the regard due to his years and the integrity of his character, made him the most conspicuous of parliamentary speakers. His observations were repeated by the public with the profoundest veneration, and even his opponents in parliament frequently mollified their difference of sentiment, by a complimentary tribute to his character and abilities, and a sort of indirect apology for not coinciding in judgment with him. Lords in opposition. Lord Chatham.

With those who considered the taxation of America as the *sole* cause of the existing disputes, the Marquis of Rockingham had the greatest claim to po- The marquis of Rockingham.

[1] The eloquence and manner of the Earl of Chatham, are admirably characterized in an extract of a letter from Mr. Stillingfleet to Dr. Dampier, afterwards dean of Durham, which I did not receive till the chapter relating the event to which it refers, had passed through the press. London, November 17, 1761. "Mr. Aldworth was at the house last Friday. Pitt was greater than ever; he is a most wonderful man; I question whether there ever was so complete an orator since Demosthenes; every attitude, every action, every look, every tone of voice was a masterpiece, to say nothing of his words. It was perhaps the most ticklish and trying situation man could be in; yet he acquitted himself almost without censure. In short he may take pensions, and titles, and resign at a critical juncture, and talk imprudently of guiding, &c. — it is all nothing, when once he is heard. You remember, perhaps, how Æschines endeavoured to give an idea of the power of Demosthenes to the Rhodians when he was banished: he is such a man, said Æschines, that were I to wrestle and throw him, he would persuade you all that he threw me."

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pularity: his administration, though short, produced several measures calculated to gratify the public. He is described by Mr. Burke[k], as a person of sound principles, enlargement of mind, clear and sagacious sense, and unshaken fortitude. These qualities secured many adherents; but their effect was diminished by a deficiency in parliamentary eloquence. He seldom took a share in the debates, even to defend his own administration; spoke with an air of embarrassment, and in so low a tone of voice as scarcely to be heard.

The Duke of Richmond.

The Duke of Richmond was an active and indefatigable opponent of administration. In the Rockingham ministry he held the seals of secretary of state; and was, in 1766, appointed minister plenipotentiary to the court of France. He possessed considerable abilities, improved by laborious perseverance, and the associations incident to a military life. In every debate he seized some censurable point, which he attacked with force and obstinacy. In debate he evinced a prompt and decisive mind; his reprobation of the measures of administration was never qualified in terms or manner, but always calculated to convince the hearers that it was the genuine offspring of conviction.

Lord Shelburne.

The Earl of Shelburne possessed ready powers of argumentation, applied himself to the commercial and political relations of Great Britain, and was well versed in foreign affairs. He was first lord of trade during the Duke of Bedford's administration in 1763, and, under the auspices of Lord Chatham, by whom he was held in high estimation, filled the office of secretary of state.

Lord Camden.

The Earl of Camden was the principal law lord in opposition, and his exertions were of the utmost importance. He was a member of the house of commons from 1754, till December 1761, when he was appointed chief justice of the common pleas. In that court, he presided with dignity, firmness and imparti-

[k] Speech on American taxation; Burke's Works, vol. i. p. 548.

ality: his popularity was established by the memorable questions relative to Wilkes, and considerably augmented by his opposition to the American war. His legislative information was recommended by a ready, nervous, and persuasive eloquence, and his reasonings were drawn from a thorough and accurate knowledge of the constitutional history of the country. He was personally attached to Lord Chatham, to whom he was indebted for his advancement, and during whose administration he was elevated to the dignity of lord chancellor.

The Dukes of Devonshire and Portland seldom addressed the house; the former often compensated for silence by a few words of singular force and neatness: they joined in the important protests, and assisted the party with all the weight of their connexion and personal influence; and were both highly respected by the public for independence and integrity.

The Dukes of Devonshire and Portland.

The lower house exhibited an unusual assemblage of abilities on both sides.

In the lower house.

Mr. Rigby, paymaster of the forces, was a vigorous and intrepid speaker. Sir Gilbert Elliott was endowed with firm and manly sense, and clearness in detail, highly advantageous in debate; and Sir Grey Cooper rendered essential services by knowledge of business, facility in debate, and a strict attention to, and accurate acquaintance with the affairs of finance; he enjoyed the full confidence of the minister, under whose auspices he was introduced into parliament, and to whom he remained invariably attached.

Mr. Rigby.

Sir Gilbert Elliott.

Sir Grey Cooper.

Mr. Dundas, lord advocate of Scotland, had acquired considerable eminence by his proficiency in the civil and common law, by application, and by the order which he introduced into all the affairs of office. Although he seemed to lie under some disadvantages from his native accent, yet few were heard with greater attention: he was an able and spirited debater, never

Mr. Dundas.

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shrinking from the question, and declaring his opinions with manly firmness, without the pomp of studied phraseology, or the glare of rhetorical ornament.

Mr. Jenkinson.

Mr. Jenkinson, subsequently Lord Hawkesbury, and Earl of Liverpool, first attracted public notice by a treatise on the conduct of the Government of Great Britain, in respect to Neutral Nations; he was versed in the constitution of the kingdom, applied himself to commercial and political questions, and spoke with correctness and precision. He sate in two preceding parliaments, and his merits were acknowledged by various ministers. In 1766, during Lord Chatham's administration, he was a lord of the Admiralty; and in 1772, joint vice-treasurer of Ireland.

The principal members of the robe who supported administration, besides Sir Fletcher Norton, the speaker, were Thurlow and Wedderburne.

Mr. Thurlow.

Thurlow was nervous, impressive, and majestic, and delivered the resolute dictates of a superior intellect, without soliciting applause. From him truth appeared above the aid of art; and the judgment was summoned to yield without an appeal to the intervention of fancy.

Mr. Wedderburne.

Wedderburne was acute, perspicuous, elegant, and persuasive; he alternately essayed the force of reason, and the charms of eloquence; sometimes attacking the judgment with refined argument, at other times appealing to the fancy with the powers of wit, and graces of elocution.

Opposition. Serjeant Glynn.

The most distinguished lawyers in opposition were Serjeant Glynn and Mr. Dunning. Glynn became member for Middlesex, in consequence of his exertions in behalf of Wilkes, and to the same cause may be attributed his attaining the recordership of London in 1772. He was not a frequent speaker, but generally engaged in popular questions, and delivered his sentiments with considerable eloquence and decisive boldness. His health was already much impaired, and an early death deprived his party of his support.

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Dunning enjoyed a high reputation at the bar, and had filled the office of solicitor-general. He united a perfect knowledge of the law, with a liberal view of politics. The meanness of his figure, the ungracefulness of his action, and monotony of his voice, were all lost in the rapidity of his conceptions, the fluency of his words, the flashes of his wit, and the subtlety of his arguments. Mr. Dunning.

Sir George Savile, who, in the present and two preceding parliaments, represented the county of York, was respected for the soundness of his understanding, the firmness of his principles, and the integrity of his motives. Possessed of a large fortune, and never having accepted any official situation, he was not supposed to be influenced by views of ambition; his opposition was constant and vigorous, and he was considered at the head of the country-gentlemen in the minority. Sir George Savile.

Colonel Barré joined to a practical acquaintance with affairs, a bold and nervous eloquence. He reasoned or ridiculed; rolled the deep-toned thunder of patriotic denunciation, or uttered sallies of sarcastic animadversion, with equal readiness and equal effect. Colonel Barré.

Mr. Burke came into parliament under the immediate auspices of the Marquis of Rockingham, to whom he was introduced merely by the reputation of those learned and admirable publications, which at an early period fixed his fame on an enviable eminence. He was Lord Rockingham's confidential political adviser, and on his judgment and address the proceedings of the anti-ministerial party in a great measure depended. Burke enjoyed the rare advantage of being equally eloquent in speech and in writing, and the Irish accent and manner, which he never lost, were forgotten in the variety of his excellencies. He possessed great taste, learning, general knowledge, an intimate acquaintance with the laws of nations, and a sagacity which penetrated into the political nature of man, and confidently deduced, from visible causes, those ef- Mr. Burke.

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fects, which to a less intuitive mind seemed remote and problematical. At his first entrance into the senate, he established a high reputation, which in all the vicissitudes of a laborious life he never relinquished. His oratory was of the highest class; and if he appeared on some occasions to give the rein to his fancy, to the prejudice of his judgment, it may be confidently asserted that no man who spoke so much, and on so many important topics, compensated for a few faults with such a number and variety of beauties. If Burke wandered, the elegance of the digression, and the ingenuity with which it was reconciled to, and connected with the main subject, repaid the momentary impatience of the auditor. If occasionally he seemed to trifle, or descend below his proper level, he regained his accustomed position with such elastic vigour, and atoned for his temporary aberration with such a splendid profusion of rhetorical beauties, that the most captious felt ashamed to censure, and the most fastidious were abundantly satisfied. To him all nature and all science tendered tributary stores: in this inexhaustible opulence, he consulted rather his own resources than the mere wants of the subject, and scattered the treasures of his intellect with unrestrained prodigality: his fervid mind assailed the topic of discussion in every possible direction, and he seemed at last to desist, not because he was exhausted, but because the object of investigation could not afford a point on which to fix a new illustration. To a poetical ardour of imagination, Burke joined a warmth of temper which occasionally transported him beyond the bounds of discretion; but even this frailty had no considerable effect on his argumentation. If he was warm, his reasoning was not less cogent; and although the indignant sensations of the moment sometimes produced expressions which appeared inconsistent with prudence, and derogatory to his high reputation; still the correctness of his images, the happy application of his wit, and the force

of his raillery, obliterated the recollection of his defects, and left on the mind no other sensations than those of exquisite gratification. In detailing general principles, he was extremely fortunate: they always seemed appropriate to his subject, not introduced to cover a defect in the texture of his chief argument, but generated from a natural combination of expansive knowledge, and specific investigation. From him nothing appeared trite, nothing inelegant or unfinished; his faults as an orator arose from the excess of his excellencies; he reasoned after the hearer was convinced; he illustrated when the topic was perfectly luminous; he urged fresh grounds of defence when acquittal was already secure; and persevered in accumulating motives of censure, when the indignation of his audience had already attained its highest pitch. CHAP. V. 1774.

At the period of which we are treating, the reputation of Mr. Burke was in its zenith, and his exertions were sufficient to influence, in a considerable degree, the politics of the times; but great and admired as they were, the effect they produced was not to be compared with that which resulted from the efforts of the Honourable Charles James Fox, second son of Lord Holland. Mr. Charles Fox.

Mr. Fox displayed at Eton and at Oxford an ardent attachment to classical literature, and gave presage of his future genius by unwearied application to Cicero and Demosthenes, and by preferring the Athenian to the Roman orator. Even in the earliest periods of life, and during all the vicissitudes of pleasure and dissipation, he was indefatigable in the exercise of his argumentative faculty. The indulgent partiality of his father supplied abundant means of gratifying inclinations natural to a youth of warm passions, totally exempt from restraint, and his great talents were shrouded from the view of those who could not discern them through the veil of unbounded dissipation. He obtained a seat in parliament before the period of legal maturity, and was, in 1770, appointed a lord

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of the Admiralty; but his support, though marked with all the ardour of his temper and energy of his genius, was not yet deemed essential to the cause of government: he had more than once participated in the unpopularity of administration, without the credit of sharing the direction of their measures. In 1772, he resigned his situation at the Admiralty with marks of disgust, and was then expected to join the ranks of opposition [l]. The difference was, however, accommodated, and he soon afterward [m] received a seat at the treasury-board, from which he was dismissed in March 1774, with circumstances which occasioned the most lively indignation. To the period of his quitting the side of the minister, Mr. Fox was considered by some as a man for whose political errors, and levity of conduct, youth and inexperience afforded charitable excuses [n]; but he soon "discovered powers for regular debate, which neither his friends had hoped, nor his enemies dreaded [o]." The force of Fox's oratory cannot be adequately described, and can be felt only by those who have heard him on important occasions. His speeches were luminous, without the appearance of concerted arrangement; his mind seemed by its masterly force to have compressed, reduced, and disposed the whole subject, with a confident superiority to systematic rule; the torrent of his eloquence increased in force as the subject expanded; the vehemence of his manner was always supported by expressions of correspondent energy; and the decisive terms in which he delivered his opinions, by precluding the possibility of evasion, impressed a full conviction of his sincerity, and gained regard even from the most inveterate opponent. The distinguishing charac-

[l] See Gibbon's Posthumous Works, vol. i. p. 449.

[m] 9th January 1773.

[n] See Debates on Mr. Grenville's Act, 25th February 1774.

[o] The expression of Gibbon. — See Posthumous Works, vol. i. p. 489.

teristic of his arguments was profoundness; his general aim was the establishment of some grand principle, to which all the other parts of his speech were subservient; and his genius for reply was singularly happy. He not only combated the principal reasonings of his adversaries; but, extending a generous protection to his own partizans, rescued their speeches from ridicule or misrepresentation. The boldest conceptions, and most decided principles uttered by him, did not appear gigantic; he seldom employed exaggerated or tumid phraseology; and in the greatest warmth of political contest, few expressions escaped him which can be cited to the disadvantage of his character as a gentleman. Rhetorical embellishments, though frequently found in his harangues, did not seem the produce of laborious cultivation, but spontaneous effusions. Superior to art, Fox seemed to illustrate rules which perhaps he had not in contemplation, and the bold originality of his thoughts and expressions would rather intitle him to be considered the founder of a new style of eloquence, than a servile adherent to any established practice. Burke, studious and indefatigable, from his continually augmenting stores, poured knowledge into the mind of Fox; but in debate their manners were widely dissimilar: Fox depended on his natural and daily improving genius for argumentation; Burke on those beauties which his taste and learning enabled him to collect and dispose with so much grace and facility; his speeches were listened to with admiration as elegant pleadings; but Fox was always elevated above his subject, and by energy of manner, and impetuosity of oratory, staggered the impartial, animated his adherents, and threw uneasiness, alarm, and astonishment into the minds of his opponents.

Such were the principal men to whom the discussion of the grand question relative to the rights and authority of Great Britain over her colonies was

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committed; who by their conduct as ministers, or their exertions in support of, and opposition to the measures of government, regulated the progress of this important contest.[p]

[p] In depicting these characters, my own judgment and recollection have been much assisted by private information. The eloquent Gibbon has in his usual masterly manner described this parliament in his Memoirs, published by Lord Sheffield, p. 146, "I assisted at the debates of a free assembly; I listened to the attack and defence of eloquence and reason; I had a near prospect of the characters, views, and passions of the first men of the age. The cause of Government was ably vindicated by Lord North, a statesman of spotless integrity, a consummate master of debate, who could wield, with equal dexterity, the arms of reason and of ridicule. He was seated on the treasury-bench between his attorney and solicitor-general, the two pillars of the law and state, *magis pares quam similes;* and the minister might indulge in a short slumber, while he was upholden on either hand by the majestic sense of Thurlow, and the skilful eloquence of Wedderburne. From the adverse side of the house an ardent and powerful opposition was supported by the lively declamation of Barré; the legal acuteness of Dunning; the profuse and philosophic fancy of Burke; and the argumentative vehemence of Fox, who, in conduct of a party, approved himself equal to the conduct of an empire. By such men every operation of peace and war, every principle of justice or policy, every question of authority and freedom, was attacked and defended; and the subject of the momentous contest was the union or separation of Great Britain and America."

CHAPTER THE TWENTY-FIFTH.

1774—1775.

Meeting of parliament. — King's speech. — Amendment moved. — Protest. — Seamen reduced. — Papers laid before parliament. — Lord Chatham's motion for removal of troops — negatived. — He moves for leave to bring in a bill, for quieting the troubles in America. — Heads of the bill. — Opposed by Lord Sandwich — and the Duke of Grafton. — Supported by Lord Camden — and Lord Shelburne. — Personal altercations. — Intemperate speech of Lord Chatham. — Reply. — Petitions in favour of the Americans — referred to a committee. — Petition of Dr. Franklin and others — rejected. — Committee on Americ[illegible] papers. — Motion for an address — carried. — Motion to recommit the address — negatived. — Conference. — Debate in the House of Lords. — Energetic speech of Lord Mansfield. — Personal altercation. — Motion carried. — Protests. — Augmentation of forces. — New England restraining bill. — Petitions. — Evidence. — Debate on the third reading. — Opposed in the House of Lords. — Amendment made — and withdrawn. — Bill for restraining other colonies. — Bounties to Ireland. — Lord North's conciliatory propositions. — Supported by Governor Pownall. — Embarrassment of the minister. — He is extricated by Sir Gilbert Elliott. — Resolution agreed to. — Burke's motion. — His speech. — Proposition rejected. — Mr. Hartley's plan — negatived. — New York remonstrance — rejected. — Attempt to repeal the Quebec act. — Other proceedings. — Proroga[illegible]on.

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1774. 29th Nov. Meeting of parliament. 30th. King's speech.

THE House of Commons having re-elected Sir Fletcher Norton speaker, the King opened the session, by mentioning, with great concern, the daring spirit of resistance to the laws, which in Massachuset's Bay had broken forth in fresh violences, of a very criminal nature, and was countenanced in other colonies. Measures, he added, had been adopted to enforce the acts of last session for the protection of commerce, and re-establishment of peace. His

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Majesty declared his resolution to withstand every attempt to weaken or impair the supreme authority of the legislature over all his dominions, the maintenance of which, he considered essential to the dignity, safety, and welfare of the empire.

Amendment moved. Lords' protest.

The Duke of Richmond moved an amendment to the address, and the unusual measure of protesting against its rejection was adopted by nine peers, who "would not, in haste, without inquiry and information, commit themselves in declarations, which might precipitate their country into the horrors of civil war."

5th Dec. In the House of Commons.

In the House of Commons, an amendment, by Lord John Cavendish, requiring a communication of the intelligence received from America, was resisted, on the plea of the minister, that, admitting the expediency of a reconciliation with the colonies, yet as they had not offered terms, England could not be the first to submit. The address was carried by a majority, which proved the strength of the minister in the new parliament.[a]

Seamen reduced.

Sufficient information had not yet arrived concerning the extent of American resistance: the letters hitherto received from the governors, warranted indeed the observations in the King's speech, but contained neither facts nor inferences, which could justify the ministry in stating to parliament the expectation

19th Dec.

of an armed opposition. The number of seamen was therefore reduced to sixteen thousand, and the land forces fixed at seventeen thousand five hundred and forty-seven effective men: the minister, at the same time, after acknowledging that the measures adopted by the last parliament had not been attended with their expected effect, promised the communication of papers, and that a committee should be formed to take into consideration the affairs of America.

Fresh intelligence received.

Intelligence received during the recess, more unequivocally ascertained the disposition of the Ameri-

[a] 264 against 73.

cans, and included accounts of all their proceedings, to the seizure of Fort William and Mary. The measures of government were also in that period decided, and an adherence to the system of coercion fully determined. CHAP. XXV. 1775.

Lord North took the earliest opportunity of laying before parliament numerous papers from all the colonies [b], containing letters, proclamations, narratives of proceedings, and other interesting documents, together with sentiments of governors, and other public men, on the state of affairs. These were submitted to a committee. 19th Jan. Papers laid before parliament.

In the upper house, Lord Chatham moved an address, requesting the King to allay the unhappy ferments in America, by removing the troops from Boston. In his speech, he censured the delay of communication, accused the ministry of deluding the people by false representations, and recommended instant efforts to effect a reconciliation before the meeting of the delegates. "Nothing," he said, "but being nailed to my bed by the extremity of sickness, shall prevent me from paying unremitted attention to so important a subject. I will knock at the door of this sleeping and confounded ministry, and rouse them to a sense of their imminent danger. When I state the importance of the colonies, and the magnitude of the danger hanging over this country, from the present plan of mis-administration, I desire not to be understood to argue a reciprocity of indulgence between England and America. I contend not for indulgence, but justice, to America: and I shall ever contend, that the Americans justly owe obedience to us in a limited degree: — they owe obedience to our ordinances of trade and navigation; but let the line be skilfully drawn between the objects of those ordinances, and their private internal property; let the sacredness of their property remain inviolate; let it 20th Jan. Lord Chatham's motion for removal of troops.

[b] There were at first no letters from Maryland, but the deficiency was afterward supplied.

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be taxed only by their own consent, given in their provincial assembles; — else it will cease to be property. — As to the metaphysical refinements, attempting to shew that the Americans are equally free from obedience and commercial restraints, as from taxation for revenue, as being unrepresented here; I pronounce them futile, frivolous, and groundless. Resistance to your acts was necessary as it was just; and your vain declaration of the omnipotence of parliament, and your imperious doctrines of the necessity of submission, will be found equally impotent to convince or enslave your fellow-subjects in America, who feel that tyranny, whether ambitioned by an individual part of the legislature, or the bodies who compose it, is equally intolerable to British subjects. The means of enforcing this thraldom are found to be as ridiculous and weak in practice, as they are unjust in principle. Indeed, I cannot but feel the most anxious sensibility for the situation of General Gage, and the troops under his command, thinking him, as I do, a man of humanity and understanding; and entertaining, as I ever will, the highest respect, the warmest love, for the British troops. Their situation is truly unworthy; penned up — pining in inglorious inactivity. They are an army of impotence: you may call them an army of safety and of guard; but they are, in truth, an army of impotence and contempt: and to make the folly equal to the disgrace, they are an army of irritation and vexation. The first drop of blood shed in civil and unnatural war might be '*immedicabile vulnus.*' Adopt the grace while you have the opportunity of reconcilement: or at least prepare the way. Allay the ferment prevailing in America, by removing the obnoxious hostile cause: obnoxious and unserviceable; for their merit can only be in inaction; '*Non dimicare et vincere,*' their victory can never be by exertions. Their force would be most disproportionately exerted against a brave, generous, and united people, with arms in their hands and

courage in their hearts:—three millions of people, the genuine descendants of a valiant and pious ancestry, driven to those deserts by the narrow maxims of a superstitious tyranny.—And is the spirit of persecution never to be appeased? Are the brave sons of those brave forefathers to inherit their sufferings as they have inherited their virtues? Are they to sustain the infliction of the most oppressive and unexampled severity—beyond the accounts of history, or description of poetry?—'*Rhadamanthus habet durissima regna castigatque, auditque:*' so says the wisest poet, and perhaps the wisest statesman and politician of antiquity:—but our ministers say, the Americans must not be heard. They have been condemned unheard; the indiscriminating hand of vengeance has lumped together innocent and guilty; with all the formalities of hostility, has blocked up the town, and reduced to beggary and famine thirty thousand inhabitants." CHAP. XXV. 1775.

He extolled the congress, as more wise and more prudent than the meeting of ancient Greece: Thucydides recorded nothing more honourable, more respectable, than that despised convention: their proceedings were remarkable for firmness, temper, and moderation, and it would be happy for Great Britain, if the House of Commons were as freely and uncorruptly chosen. "Ministers may satisfy themselves, and delude the public, with the report of what they call commercial bodies in America.—They are not commercial:—they are your packers and factors; they live upon nothing—for I call commission nothing;—I mean the ministerial authority for this American intelligence; the runners for government, who are paid for their intelligence. But these are not the men, nor this the influence, to be considered in America, when we estimate the firmness of their union. Trade indeed increases the glory and wealth of a country; but its real wealth and stamina are to be looked for among the cultivators of the land; in their simplicity of life is found the simpleness of virtue, the integrity and

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courage of freedom. These true genuine sons of the earth are invincible; they surround and hem in the mercantile bodies, and if it were proposed to desert the cause of liberty, would virtuously exclaim; 'If trade and slavery are companions, we quit trade; let trade and slavery seek other shores, they are not for us!' This resistance to your arbitrary system of taxation might have been foreseen: it was obvious from the nature of things, and of mankind; and, above all, from the whiggish spirit flourishing in that country. The spirit which now resists your taxation in America, is the same which formerly opposed loans, benevolences, and ship-money in England. The same spirit which called all England on its legs, and by the bill of rights vindicated the English constitution—the same principle which established the great, fundamental, essential maxim of our liberties, that no subject of England shall be taxed but by his own consent—this glorious spirit of whiggism animates three millions in America—who prefer poverty with liberty, to gilded chains and sordid affluence; and who will die in defence of their rights as men—as freemen. The cause of America is allied to every true whig:—the whole Irish nation, all the true English whigs, the whole people of America combined, would amount to many millions of whigs averse to the system. To such united force, what force shall be opposed?—What, my lords?—A few regiments in America, and seventeen or eighteen thousand men at home! The idea is too ridiculous to take up a moment of your lordships' time. Nor can such a rational and principled union be resisted by the tricks of office, or ministerial manœuvre. Laying of papers on your table, or counting noses on a division, will not avert or postpone the hour of danger:—it must arrive, unless these fatal acts are done away. It must arrive, in all its horrors! and then these boastful ministers, 'spite of all their confidence, and all their manœuvres, shall be forced to hide their heads! They shall be forced to a disgrace-

ful abandonment of their present measures and principles: — principles which they avow, but cannot defend; — measures which they presume to attempt, but cannot hope to effectuate. They cannot, my lords, they cannot stir a step; they have not a move left; — they are checkmated. It is not repealing this or that act of parliament, — it is not repealing a piece of parchment, — that can restore America to our bosom: — you must repeal her fears and her resentments; and may then hope for her love and gratitude. But now insulted by an armed force at Boston, irritated with an hostile array before her eyes, her concessions, if they could be forced, would be suspicious and insecure; they will be, *irato animo*, not sound honourble pactions of freemen; but dictates of fear, and extortions of force. It is, however, more than evident you cannot force them, principled and united as they are, to your unworthy terms of submission; it is impossible! — and when I hear General Gage censured for inactivity, I must retort with indignation on those whose intemperate measures and improvident counsels have betrayed him into his present situation. His situation reminds me of the answer of a French general in the civil wars of France. — Monsieur Condé, opposed to Monsieur Turenne, was asked how it happened that he did not take his adversary prisoner, as he was often very near him? '*J'ai peur*,' replied Condé very honestly, '*J'ai peur qu'il ne me prenne*;' 'I am afraid he will take me.'

"We shall be forced ultimately to retract; — let us retract while we can, not when we must. These violent oppressive acts *must be repealed — you will repeal them — I pledge myself for it, that you will in the end repeal them — I stake my reputation on it! — I will consent to be taken for an idiot, if they are not finally repealed!* — Avoid then this humiliating, disgraceful necessity. With a dignity becoming your exalted situation, make the first advances to concord, to peace, and to happiness; for *that* is your true dignity, to act with

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prudence and with justice. That you should first concede is obvious, from sound and rational policy. Concession comes with better grace, and more salutary effect, from the superior power; it reconciles superiority of power with the feelings of men: and establishes solid confidence on the foundations of affection and gratitude. So thought a wise poet, and a wise man in political sagacity; the friend of Mæcenas, and the eulogist of Augustus: to him, the adopted son of the first Cæsar, to him, the master of the world, he wisely urged this conduct of prudence and dignity;

> 'Tuque prior, tu parce; genus qui ducis Olympo,
> 'Projice tela manu.'

On the other hand, every danger impends to deter you from perseverance in the present ruinous measures. Foreign war hanging over your heads by a slight and brittle thread; France and Spain watching your conduct, and waiting for the maturity of your errors. If the ministers thus persevere in misadvising and misleading the King, I will not say they can alienate the affections of his subjects from the crown; but I will affirm, they will make the crown not worth his wearing. I will not say, the King is betrayed; but I will pronounce the kingdom undone."[c]

Supported.

Lord Chatham's motion was supported by the Duke of Richmond, the Marquis of Rockingham, Lords Shelburne and Camden. They insisted that the assertion of the omnipotence of parliament was an abstract metaphysical question, purposely introduced into the discussion of American affairs, to delude alike the parliament and people: the very lowest mechanic was inflated with his own importance, as a party in a contest with traitors, vagabonds, and base ungrateful rebels. But whatever stress might be laid on the legislative supremacy of Great Britain (and the doctrine was just when properly directed) it was

[c] This speech is taken from Debrett's debates, corrected and assisted by a report by Hugh Boyd; the history of Lord North's administration, p. 187; and the Annual Register for the year 1775. p. 47.

no less true, and consonant to the reasonings of all speculative writers on government, that no man, on the true principles of natural or civil liberty, could, without his own consent, be divested of any part of his property. The question was not in fact referred to the people or parliament, because an administration consisting of four or five persons, and those again guided by one man, held an absolute sway over parliament; between the ministry, therefore, and all America, was the issue depending. The acts of last session were analysed, and declared highly unconstitutional; and Lord Camden quoted Selden and Blackstone, to prove, that although the various circumstances and incidents which might justify resistance could not be exactly defined, the people at large, possessing the original rights necessary to their own happiness and preservation, had a right to recall a delegated power and authority, whenever abused to their own ruin and destruction.

Opposed.

The motion was opposed by the Earls of Suffolk, Rochford, and Gower; Viscounts Townshend and Weymouth; and Lord Lyttleton.

They traversed Lord Chatham's statements and his encomiums on the congress, who in their proceedings and resolutions breathed the spirit of independency and rebellion. The British parliament possessed an indubitable legislative supremacy; an inactive right was absurd; if right existed, it must be asserted, or for ever relinquished. The difficulties of the moment would be infinitely augmented by the lapse of a few years: and disobedience to parliament, once connived at, would invalidate every claim to dominion over America. The obnoxious acts were specifically defended; the Boston port act would, but for the obstinacy of the people, have executed itself, and by causing the indemnification of the East India Company, have re-established the port, and facilitated a complete reconciliation. The resolutions of congress against these acts, demonstrated, that the views of

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the Americans extended beyond the professed limits of a redress of grievances, even to the overthrow of the act of navigation, that great palladium of British commerce. The question was not limited to revenue: but in its determination would decide whether that great commercial system on which the strength and prosperity of Great Britain, and the mutual interests of both countries vitally depended, should be destroyed to gratify the foolishly ambitious temper of a turbulent and ungrateful people. The parent state should never relax, till her supremacy was acknowledged; but dutiful compliance would be attended with every indulgence consistent with the real interest of both countries; previous concession would be impolitic, pusillanimous, and absurd. It was a duty incumbent on administration to pursue their object of subduing the rebellious Americans; and the Earl of Suffolk, Secretary of State, explicitly avowed the ministerial resolution of enforcing obedience by arms, acknowledging with pride that he had advised coercive measures, from a conviction of their necessity. All enquiry into the state of the troops at Boston, and the conduct of General Gage, was deprecated, from the impossibility of forming a judgment at so great a distance, and from such slender materials as parliament possessed. The motion was negatived.[a]

Negatived: 1st Feb.

Lord Chatham's motion for leave to bring in a bill.

In submitting his late motion to the house, the Earl of Chatham said he had framed a plan of adjustment, solid, honourable, and permanent, which he took the earliest occasion to present under the form of "A provisional act for settling the troubles in America; and for asserting the supreme legislative authority and superintending power of Great Britain over the colonies." His introductory speech was short; urging the necessity of an immediate effort at conciliation. Great Britain and America, he said, were drawn up in martial array, waiting for the signal to engage in a contest, in

[a] Contents 18—Non-contents 68. The division was remarkable by the appearance of the Duke of Cumberland in the minority.

which it was little matter for whom victory declared, as ruin and destruction must be the inevitable consequence to both. He wished to act the part of mediator, but no regard for popularity, no predilection for his own country; not his high esteem for America on one hand, nor his unalterable steady regard for Great Britain on the other, should influence his conduct. He loved the Americans, as men prizing and setting the just value on that inestimable blessing, liberty; but were he once persuaded that they entertained the most distant intention of rejecting the legislative supremacy, and the general, constitutional, superintending authority and controul of the British legislature, he would be the first and most zealous mover for exerting the whole force of Britain in securing and enforcing that power. He entreated the assistance of the House in digesting his crude materials, and in adapting them to the dignity and importance of the subject, and their great ultimate ends. CHAP. XXV. 1775.

The bill proposed to modify the declaratory law, by providing that the parliament of Great Britain should have full power to bind America in all matters relating to the general weal of the whole dominion of the imperial crown, beyond the local competency of distinct colonial representative bodies, and particularly in the regulation of trade. To quiet groundless jealousies and fears respecting a standing army, without derogating from the legislative, constitutional, and hitherto unquestioned prerogative of the crown, it was declared that no military force, however raised and maintained according to law, could be lawfully employed to violate and destroy the just rights of the people. By the clause respecting taxation, no tallage, tax, or charge for the king's revenue, was to be levied in America, without legal consent of the provincial assemblies. The delegates to the late general congress were again to meet in May, and consider on a due recognition of the supreme legislative authority, and superintending power of parliament; and of a free Heads of the intended bill.

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grant of a certain perpetual revenue, to be disposed of by parliament in alleviation of the national debt, which had, in no inconsiderable part, been incurred for the extension, defence, and prosperity of the colonies. This free grant was not, however, to be understood as a condition of redress, but a testimony of affection, nor could congress exercise the right of taxation without first duly recognizing the supreme legislative and superintending power of parliament. The prayer of the petition of congress was then to be granted by restrictions on the admiralty jurisdiction; a restoration of the trial by jury where abolished in civil cases; a renunciation of the power of removing persons indicted for murder to other provinces, or to Great Britain for trial; and a repeal of all the acts relating to America, from the fourth year of the King to those of the last session, including the Quebec act, and that for quartering soldiers. The judges were to hold their offices, as in England, during good behaviour; and the colonial charters were confirmed, and declared exempt from invasion or resumption, except for misuser, or some legal grounds of forfeiture. The bill concluded with these words; "So shall true reconcilement avert impending calamities, and this most solemn national accord between Great Britain and her colonies stand an everlasting monument of clemency and magnanimity in the benignant father of his people; of wisdom and moderation in this great nation, famed for humanity as for valour; and of fidelity and grateful affection from brave and loyal colonies to their parent kingdom, which will ever protect and cherish them."

Debate. Proposal of Lord Dartmouth.

An animated debate ensued. The Earl of Dartmouth, secretary of state for America, expressed a wish that the bill might lie on the table, to be taken into consideration after the adoption of some resolutions relative to the papers already communicated.

Opposition of Lord Sandwich.

This apparent moderation was highly displeasing to Lord Sandwich, who insisted, that any concession was an abandonment of the cause of government.

The Americans had formed the most hostile and traitorous designs, and were guilty of actual rebellion in seizing the King's forts and ammunition, with an avowed intention of employing them against him. The mode of introducing the bill was unparliamentary and unprecedented. The stale pretence of preserving our commercial interests by concessions was a device which could impose on none but those who were wilfully blind, and resolved to contradict the plainest evidence of facts; the Americans were not disputing about words, but realities; their aim was to be freed from commercial restrictions; they courted the trade of other nations, and he had in his pocket letters which would undeniably prove that ships were then lading at L'Orient, Havre-de-Grace, and Amsterdam, with East India and European commodities for America. He therefore moved the immediate rejection of the bill.

Opposition of other Lords: The Duke of Grafton.

The first lord of the Admiralty was supported by the Duke of Grafton, Earl Gower, and the Earl of Hillsborough. The Duke of Grafton particularly denounced the unparliamentary manner of hurrying the bill into the house; he had had the honour of sitting there longer than the noble earl, and remembered no similar instance. So great a variety of subjects should not have been combined, but distinctly discussed. Other opponents of the bill contended, that it was calculated to gratify the Americans in every particular, but offered no security for concession on their part. It sanctified and legalized the late congress, and warranted another assembly of the same description. The acts of parliament proposed to be repealed were successfully defended, particularly the Quebec act, which was peculiarly extolled for moderation, justice, and policy.

Bill supported.

The bill was supported, or rather its immediate rejection opposed, by the Duke of Richmond, Earl of Shelburne, and Lord Camden. Lord Shelburne described a ruined commerce, starving manufacturers,

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increased taxes, heavy poor's-rates, rents fallen, an exhausted exchequer, and a diminished revenue, as inevitable consequences of the measures pursued by administration. Famine must also necessarily ensue, from the discontinuance of the vast supply of bread-corn derived from America. In that case all the military force of the kingdom would be requisite to keep the people in due restraint, as was fully demonstrated during the scarcity in 1766. The ministry were generally challenged to discuss the principles of the bill, although an immediate decision was professedly not required. The laws proposed to be repealed were analysed with great severity, particularly those of the last session. Nor was the probability of foreign interference omitted; and the ministry were cautioned against trusting to the assurances of their inveterate enemies.

A more moderate party, consisting of the Duke of Manchester, Earl Temple, and Lord Lyttleton, disapproved many parts of the bill, but deprecated its sudden rejection, as an unnecessary insult to an exalted character. Lord Temple attributed all the evils and distractions to the fatal repeal of the stamp act; and the laws of the last session were more exceptionable in mode than matter. Lord Lyttleton voted against the rejection of the bill, yet differed in many respects from Lord Chatham, particularly on the subject of the Quebec act, against the repeal of which he strenuously contended.

Personal altercations.

In the course of the debate much personal altercation arose. The Duke of Richmond animadverted with great severity on Lord Gower; and Lord Chatham, in arguing Lord Sandwich's motion, uttered a tremendous philippic against the whole administration.

Intemperate speech of Lord Chatham.

He began with his quondam colleague in office, and very humble servant, the Duke of Grafton, on whose logic he descanted with great severity. Could he be more justly charged with hurrying the business into the house, or his grace with hurrying it out? America

was declared in rebellion; eleven days had elapsed since his last motion, and no measure had yet been proposed by any of the King's servants. "Even now," he said, "if they will assure me they have a plan to offer, I will give them a proof of candour they do not deserve, by instantly withdrawing my bill." The indecent attempt to stifle the measure in embryo would not sink it in oblivion; it would make its way to the public, to the nation, to the remotest wilds of America; it would be coolly investigated, and appreciated by its merits or demerits alone. "I am not astonished," he continued, "that men who hate, should detest those who prize liberty; or that those who want, should persecute those who possess virtue. I could demonstrate, were I so disposed, that the whole of your political conduct has been one continued series of weakness, temerity, despotism, ignorance, futility, negligence, blundering, and the most notorious servility, incapacity, and corruption. On reconsideration, I must allow you one merit, a strict attention to your own interests: in that view you appear sound statesmen, and able politicians. You well know, if the present measure should prevail, you must instantly relinquish your places. I doubt much whether you will be able to keep them on any terms: but sure I am, such are your well-known characters and abilities, that any plan of reconciliation, however moderate, wise, and feasible, must fail in your hands. Who then can wonder that you should negative any measure, which must annihilate your power, deprive you of your emoluments, and at once reduce you to that state of insignificance for which God and nature designed you."

Reply of ministers.

The Earls of Gower and Hillsborough warmly reprobated these intemperate animadversions as the result of a factious design to embarrass government, and obtain undue popularity; great industry would doubtless be employed in circulating the bill, and inflaming the public mind, both in England and America. To

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talk of three millions of Americans in arms was a gross exaggeration, the whole population did not exceed that amount; one-third, at least, would submit, and deducting from the remainder, the aged, the infants, and the females, his lordship's facts would be found no more correct than his arguments. It would be sufficiently early to answer general charges, when so pointed as to call for defence or explanation: but Lord Gower observed, the persons censured only shared the fate of all other administrations he ever remembered; Lord Chatham having uniformly condemned, though he afterwards acted with them; and if his age did not form an impediment, he would probably give on the present occasion, one more proof of versatility, by loudly espousing the measures he now so loudly condemned.

Lord Sandwich's motion was carried, and that for bringing in the bill rejected.[d]

23d Jan. to 26th. Petitions in favour of the Americans.

Meanwhile the papers submitted to the House of Commons were referred to a committee, and numerous petitions offered on American affairs from great mercantile cities and towns[e], praying parliament to desist from those proceedings which occasioned the American association so prejudicial to commerce.

Debate on the London petition.

On the first petition from the merchants of London, a strenuous debate arose on a proposition to refer it to a committee on the twenty-seventh of January, the day after that appointed for considering the papers. Much acrimony was displayed in arraigning the conduct of ministers, and much ridicule thrown on the proposed committee, which Mr. Burke humorously termed a *Coventry* committee, and a committee of oblivion. The question was however carried[f], and all the ensuing petitions, together with

Referred to a committee.

[d] 61 to 32.

[e] The American merchants in London presented two; Bristol the same number: Glasgow, Norwich, Liverpool, Manchester, Birmingham, Wolverhampton, Dudley, and several other places in Great Britain and Ireland, sent petitions, as did various bodies of merchants interested in the great objects of dispute.

[f] 197 to 81.

one from Birmingham of a contrary tendency[g], were submitted to the same committee. The merchants of London, displeased by this reference, withdrew their petitions, declaring themselves under no apprehensions respecting their American debts, unless the means of remittance should be cut off by measures adopted in Great Britain.

25th and 26th Jan. Petition of Dr. Franklin and others.

Dr. Franklin, and Messrs. Bollan and Lee, who were authorized by the continental congress to present their petition to the King, also prayed to be examined at the bar, in support of that paper which they were enabled to elucidate. In debating this request, it was insisted on one side, that compliance would lead to inextricable confusion, and destroy the whole colonial government. It would explicitly sanction the congress, which was not a legal meeting, and recognize the parties making the application, who were not, in fact, legally appointed. On the other, it was contended that the congress, however illegal for other purposes, were fully competent to this: the petition was signed by the members: it might be received as from them in their individual capacity; and the equity of the house should rather lead to the adoption of plausible reasons for receiving, than the invention of pretences for rejecting such papers; the practice of dismissing petitions and declining the examination of agents would establish an opinion, that those who refused to hear complaints, abdicated the rights of government, and thus naturally lead to universal rebellion. The introduction of the petition was not permitted.[h]

Rejected.

2d Feb. Committee on the American papers.

In a committee of the whole house, on the papers from America, Lord North re-argued the customary topics of parliamentary supremacy, the propriety of American contribution, and lightness of the taxes

[g] It was insisted by opposition that this counter-petition was unfairly obtained by ministerial influence, and not signed by persons really interested in the American trade.

[h] 218 to 68.

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hitherto imposed, which did not amount to more than sixpence a year on each individual. Then denouncing the confederacy against importation as the cause of the present separation, he unfolded his plan of coercion, which was, to send to America a large military force, and, by a temporary act, to stop the foreign commerce of New England, and their fishery on the banks of Newfoundland, till they returned to their duty; declaring whenever the event took place, their real grievances should, on proper application, be redressed. His motion was for an address, thanking the King for the communication of papers; affirming the province of Massachuset's Bay to be in rebellion; declaring the resolution of the house, not to relinquish any part of the sovereign authority, vested by law in his majesty and the two houses, over every branch of the empire; and professing their constant readiness to pay attention to the grievances of the subject, when presented in a dutiful and constitutional manner. The king was requested to take effectual measures for enforcing obedience to the laws and authority of the supreme legislature, and in the most solemn manner assured of their fixed resolution, at the hazard of their lives and property, to support him against all rebellious attempts, in the maintenance of his just rights and those of the two houses.

Motion for an address.

Amendment moved.

The debate, though spirited and vehement, afforded little novelty; and no other interest than appertained to the importance of the subject. Mr. Fox moved an amendment, censuring the ministry, for having rather inflamed than healed differences, and praying for their removal. He expatiated on the injustice, inexpediency, and folly of the motion, prophesying defeat in America, ruin and punishment at home.

Mr. Dunning denied the existence of rebellion, but was fully answered by Mr. Thurlow. The character of the Americans, their religious enthusiasm and inaptitude for arms, were discussed with more vehemence than judgment. Captain Luttrell pointed

out the evils and inconveniences resulting from a war with the colonies; discussed at large the probability of foreign interference; and in speaking of the inefficiency of arms in such a cause, concluded with this remark: "The Americans, however, feel as a consolation that every ship and every regiment sent to Boston, adds strength to their cause; for without much pretension to prophesy, I may foretel, that the history of these dissentions will be similar to that of the troubles in Ireland, in the reign of Elizabeth. That queen, impatient to subdue the Irish, employed a large army, but the rebels daily gathered strength; Elizabeth demanding the cause, was answered, that the army there was the true reason; for their money had found its way into the country, and enabled her opponents, not only to purchase ammunition and warlike stores, but even to hire foreign officers." The amendment was negatived.[i]

8th Feb. Motion to recommit the address.

On the presentation of the report, Lord John Cavendish moved to recommit the address; in the debate, in which the existence of rebellion, and the policy of declaring it, were amply discussed, Mr. Wilkes would not pretend to decide on the state of Massachuset's Bay; a fit and proper resistance, was a *revolution* not a *rebellion*. "Who can tell," he said, "whether, in consequence of this very day's violent and mad address, the scabbard may not be thrown away by them as well as by us, and, should success attend them, whether, in a few years, the Americans may not celebrate the glorious era of the revolution of 1775, as we do that of 1668. Success crowned the generous effort of our forefathers for freedom, else they had died on the scaffold as traitors and rebels, and the period of our history, which does us the most honour, would have been deemed a rebellion against lawful authority; not a resistance sanctioned by all the laws of God and man, and the expulsion of a tyrant."

[i] There were two divisions: on the amendment, the numbers were 304 to 105 on the original motion, 296 to 106.

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In answer to these observations, it was said, the present important crisis, (and one more intricate had not occurred since the revolution,) was not more to be attributed to the refractory spirit of ungrateful subjects on the other side of the Atlantic, than to some no less restless on this side: and as a great minister had once boasted of having conquered America in Germany; so it would now be necessary to conquer it wholly or partially in England: for till restraint could be imposed on the sedition so constantly, artfully, and shamefully circulated from hence, and a check given to those incendiaries who breathed forth the inflammatory poison conveyed in every newspaper, we could never hope, without the last extremities, to bring the wicked leaders of those deluded people to a sense of their duty and obligations. Their proceedings, and the papers before the house, evidently proved they were ungratefully aspiring to be independent; a future age might possibly witness the accomplishment of their design; but it was the duty of Englishmen, by vigilance, to prevent the anticipation of that evil day; remissness or want of firmness would leave an everlasting stain on the present age. The declarations of congress were traced to the real sources, and their arrogance in prohibiting British commodities, was exposed to deserved censure. "To all nations with whom we are not actually at war," Sir William Mayne observed, "we can transport our commodities with safety; but it is only on the inhospitable continent of America, that British manufactures, the produce of British industry, cannot find an asylum."

Irresolution of the minister.

Lord North, who had before shewn some irresolution and doubt, relative to the measures of coercion, by stating a willingness to repeal the tax on tea, if that concession would satisfy the Americans, now displayed still greater hesitation. He disclaimed the taxation of America as an act of his administration, and traced it to the Duke of Grafton: adding, that the quarrel would be terminated, if the constitutional right of

supremacy were conceded to Great Britain. The motion for recommitment was negatived.[k]

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A conference having been held on the address, the Earl of Dartmouth moved for the concurrence of the lords: the Marquis of Rockingham, at the same time presented petitions from the American merchants in London, and from the West India planters; and the previous question was demanded on the Earl of Dartmouth's motion.

7th Feb. Conference. Debate in the House of Lords.

Lord Mansfield, in a long and able speech, descanted on the arrogance of the American claims, demonstrated the futility of the reasonings used to impose a belief that the colonists contended for an exemption from taxation only, and animadverted on Lord Chatham's declaration in a former debate, that in return for a temporary suspension, and ultimate repeal of the obnoxious acts, America must unequivocally admit the supreme legislative controuling power of parliament, in every case except that of taxation. The congress, he remarked, avoided every declaration, equivocal or unequivocal; for all they promised was submission to the act of navigation, while they boldly contended for the repeal of every law from which that act could derive force or effect. He minutely analysed the declarations of congress, and the acts of parliament of which they complained, proving, that to annul any, except the tax laws, would be a complete renunciation of sovereignty. On the petitions he observed, that undoubtedly every class of people would feel severely the effects of war, while none could answer for its events; the British forces might be defeated, the Americans might prevail, and Great Britain be stripped for ever of the sovereignty; but the question was, whether the right of the mother-country should be resolutely asserted, or at once relinquished. He argued, from the documents before the house, that the colonies were in a state of rebellion, and while he doubted the expediency of taxation, depre-

Lord Mansfield's speech

[k] 288 to 105.

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cated the consideration of the question in that view, till the right should be fully asserted and acknowledged. He condemned the taxes imposed in 1767, as the foundation of all the troubles and political confusions; they had thrown the colonies into a ferment, and injured British commerce, by furnishing the Americans with a temptation to smuggle.

Lord Camden.

Lord Camden combated the assertion that the colonies were in rebellion, and entered into a variety of distinctions relative to constructive treason. He disclaimed all participation in the law for taxing America, having never been consulted on the subject.

Duke of Grafton.

The Duke of Grafton reprobated the conduct of both the law lords; it was mean, he said, in Lord Camden, and much beneath the dignity of the exalted station he had filled, when the duties were imposed, to screen himself from the consequences by imputing the measure to others, who, as he was fully conscious, had no more particular concern in it than himself. The act was consented to, at least, in the cabinet: Lord Camden acquiesced in it; he sat in the chair of that house while it passed its several stages, and signified the royal approbation under the seal of his office; and shall he now tell the house and the public, that it passed without his approbation or participation? The duke gladly availed himself of the opportunity of testifying to the public, that he was not the author of the measure; perhaps it was contrary to his judgment; but he reserved his sentiments to a future occasion; every cabinet minister who acted and deliberated in that capacity at the time of passing a law, should equally share the censure or applause resulting from its merits or defects. His grace combated Lord Mansfield's arguments against the mode of enforcing the act, and lamented the misfortune he suffered, while minister, in being deprived of his assistance, which he knew was afforded to previous administrations.

Lord Lyttleton.

Lord Lyttleton spoke with great severity on the doctrine of Lord Camden, respecting constructive

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treasons. Those little evasions and distinctions, he observed, were the effects of professional subtlety, and low cunning; it was highly absurd to enter into such flimsy observations on this or that particular phrase or word, and thence draw deductions, equally puerile and inconclusive, that the colonies were not in rebellion. He should not abide by such far-fetched interpretations; but be guided by common sense, and only consult the papers on the table, to prove beyond question the very reverse of Lord Camden's inference.

Lord Shelburne.

Lord Shelburne, hoping the day of inquiry and public retribution would come, when the author of the present dangerous measures would be discovered, and that despotic system, which had for some time governed the colonies be developed, affirmed from his own knowledge, that neither the Duke of Grafton nor Lord Camden approved of taxing America; his own sentiments were too well known to require recapitulation; and he intimated that the King was favourably disposed toward the colonies. It was therefore deserving of inquiry, how this unexpected change was effected, and by what fatal over-ruling influence this great empire was brought to the eve of a civil war?

Duke of Richmond

Lord Mansfield.

The debate now became extremely tumultuous. The Duke of Richmond related official anecdotes, tending to censure Lord Mansfield, who in reply denied the charge of having influenced or directed the present measures; though, if true, he should glory in it, as he thought them wise, politic, and equitable. He disavowed with manly pride, the low arts used to obtain popularity; and while he claimed the merit of striving to deserve, renounced, with detestation, the baseness of courting it; he exposed the artifices of which he had been witness among cabinet-ministers, to acquire popularity, as the means of forwarding their ambitious or interested views; and answered the menaces of his opponents with magnanimous defiance: "I am threatened!" he exclaimed; "I dare the authors of those threats to put any one of them in execution. I

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am ready to meet their charges, and prepared for the event, either to cover my adversaries with shame and disgrace, or in my fall, risque the remnant of a life nearly drawing to a conclusion, and consequently not worth much solicitude."

Lord Shelburne.

Lord Shelburne again pressed his former observations, and more than insinuated that the chief-justice of the King's Bench had not spoken the truth:

Lord Mansfield.

upon which Lord Mansfield, with considerable warmth, lamented that, for the first time, he witnessed a deviation from the usual practice of that house, to behave like gentlemen, and accused the

Lord Shelburne. Original motion carried.

last speaker of uttering gross falsehoods. Lord Shelburne retorted the charge; and after some extraneous speeches relative to the navy, this disgraceful and indecorous debate was terminated, by adopting the affirmative of the previous question, and agreeing

Protests.

to the address of the House of Commons [1]. A protest on each subject was entered on the journals.

10th Feb. Augmentation of forces. 13th.

The King's answer to the address was accompanied with a message, in consequence of which 2000 additional seamen, and 4383 land forces were voted, though not without many severe censures on the conduct of government, the deceit practised by ministers in the small force at first demanded, and insinuations on the insufficiency of the armament to effect any beneficial purpose; the probability of foreign interference was not omitted, and Captain Walsingham asserted that France had seventy-five sail of the line, one-half of which were manned and fit for actual service.

10th Feb. to the 24th. New England restraining bill.

In pursuance of his plan, Lord North introduced a bill for restraining the commerce of the New England provinces to Great Britain, Ireland, and the West Indies, and prohibiting them from carrying on, for a limited time, any fishery on the banks of Newfound-

[1] The previous question is, Whether the main question shall be now put? which was carried by 104 to 29: the division on the principal question was 87 to 27. The protests were signed by 18 peers.

land, with an exception in favour of individuals who should obtain from the governors of certain provinces, certificates of good behaviour, and take a test acknowledging the rights of parliament. CHAP. XXV. 1775.

The bill was justified by the rebellious state of those provinces, as proved by the papers before the house: the arguments in its support were, that as the Americans had refused to trade with this kingdom, it was just to prevent their commerce with other nations. Whatever distress they might feel, their own conduct left them no right of complaint: they had begun the practice by an association calculated to ruin our merchants, impoverish our manufacturers, and starve the West-India islands.

Opposition.

The opposition urged the impolicy of destroying a trade which could never be restored: God and nature, they argued, had given the Newfoundland fishery to New, and not to Old England. The penalties confounded the innocent with the guilty; nor was it possible for government to issue such a proclamation as would afford security to all who were well intentioned. The bill was calculated to irritate the Americans and starve four provinces; and the danger of the Americans withholding the debts due to British merchants was strongly urged.

24th Feb. Petitions.

During the progress of the bill, petitions were presented from the American merchants in London, from the merchants of Poole, from the Quakers, and from the merchants of Waterford. They were referred to a committee, and many witnesses examined; but their evidence did not prove the inexpediency of the measure.

28th.

28th Feb. to 6th Mar. Evidence.

Debate on the third reading.

On the third reading, Mr. Hartley proposed an amendment, permitting the importation of fuel, corn, meal, flour, and other victual, carried coastwise from other parts of America, into the proscribed provinces. This motion brought before the house, in aggravated colours, the question of involving in one common famine the friend and the foe of government; the

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resisting adult, the feeble infant, the pregnant female, and the decrepid elder. The people, Mr. Burke observed, were already reduced to beggary, and now the beggar's scrip was taken from them; even the morsel tendered by the hand of charity was dashed from the mouth of hunger.

Governor Pownall answered all these arguments by stating as a fact, that the New English colonies (although agriculture was neglected) were in no danger of famine: they were great grazing settlements, and the flour and biscuit imported from Philadelphia and New York were merely articles of luxury for the rich: he therefore ridiculed the imputations of obduracy and cruelty so liberally advanced against the ministry, and considering the bill as a mere commercial regulation, withholding indulgences from colonies, who prohibited trade with England, gave it his cordial support. The motion was negatived.[m]

15th and 16th Mar. Opposition in the house of lords.

In the lords, the bill was opposed, as in the lower house. Petitions were presented, and witnesses examined, to the same effect. On the motion for its commitment, the Marquis of Rockingham compared the conduct of ministry to that of Marshal Rozen, King James the Second's French general in Ireland, who, in order to reduce the garrison of Derry, collected the wives, children, and aged parents of the besieged under the walls, there to perish by famine, or to be massacred if they attempted to retreat. "But," the marquis added, "weak, infatuated, and bigotted, as that prince was, his heart revolted at such a horrid expedient for subduing his enemies; as soon as it reached his knowledge, he immediately countermanded the barbarous order, and left the innocent and unoffending at liberty."

The ministerial members explicitly denied the imputation of intending to subject the colonists to famine: far from thinking themselves driven to that resource,

[m] 188 to 58.

they considered, that in the event of armed resistance, the Americans would afford an easy and inglorious conquest. "Suppose the colonies to abound in men," Lord Sandwich injudiciously exclaimed, "of what importance is the fact? They are raw, undisciplined, and cowardly. I wish, instead of forty or fifty thousand of these brave fellows, they would produce, at least, two hundred thousand; the more the better! the easier would be the conquest: — if they did not run away, they would starve themselves into compliance with our measures." The Duke of Grafton maintained, that the bill was founded on the principle of retaliation and punishment, for an outrage as daring as it was unprovoked, still further heightened and aggravated by resistance to all lawful authority, and almost a positive avowal of total independence on the mother-country. [n]

21st Mar. Amendment.

On the third reading, an amendment was made, invalidating protecting certificates obtained from the governors of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, on the ground, that these colonies were as much in a state of rebellion as those of New England [o]. The bill, thus altered, not agreeing with its title, the House of Commons desired a conference, when the Lords withdrew their amendment, and the bill passed in its original form. A protest against it was signed by sixteen peers.

Conference. 27th Mar. Amendment withdrawn.

Protest.

9th March to 5th April. Bill for restraining other colonies.

The amendment of the Lords was, in fact, rendered unnecessary by a bill, which Lord North introduced, when the New England restraining act had passed the House of Commons, for laying restrictions, nearly similar, on the provinces they had specified. It passed the lower House, not without some opposition; but no new argument was offered, and in the proceedings of the House of Lords, neither debate nor protest appears.

[n] The numbers for committing the bill were 104 to 29.

[o] The amendment was carried 52 to 23: the amended bill 73 to 21.

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To counterbalance the inconveniencies which might be expected from these laws, the ministers allowed bounties on the importation of flax-seed, and to Irish ships engaged in the Newfoundland and Greenland fisheries, and removed some restraints which in other respects affected the Irish commerce.

11th and 27th April. Bounties to Ireland.

While the bill for restraining the trade and fisheries of the New England provinces was yet depending, Lord North, to the surprise of opposition, and of many adherents of ministry, brought forward, in a committee, propositions for conciliating the differences with America. Adverting to the terms of the address on the American papers, he observed, although parliament could never relinquish the right of taxation, yet if the Americans would propose means of contributing their share to the common defence, the exercise of the right might without hesitation be suspended, and the privilege of raising their own portion of contribution conceded to the colonists. This being the sense, and he believed the very words, in which he moved the address, he proposed as a resolution, "That when the governor, council and assembly, or general court of any of His Majesty's provinces, or colonies, shall propose to make provision for contributing their proportion to the common defence; to be raised under the authorities of the general court, or general assembly, and disposable by parliament; and shall engage to make provision also for the support of the civil government, and administration of justice; it will be proper, if such proposal shall be approved by His Majesty in parliament, and for so long as such provision shall be made accordingly, to forbear in respect of such province or colony, to levy any duty, tax, or assessment, except for the regulation of commerce; the net produce of which shall be carried to the account of such province, colony, or plantation."

20th Feb. Lord North's conciliatory propositions.

His speech.

To this motion, Lord North anticipated objections from various quarters; but the terms being such as,

even in the hour of victory, would be good and just, he left it to the consideration of the House. It would be a test of the American pretensions: if their ostensible causes of opposition were real, they must agree with the proposition; if they did not, it would become indisputable that they had other views, and were actuated by other motives. To offer terms of peace was wise and humane; if the colonists rejected them, their blood must be upon their own heads.

Debate.

Governor Pownall supports the measure.

The minister did not err in his conjecture of opposition, but he also received unusual support: Governor Pownall was a warm advocate for the measure; he referred to his past conduct as a proof of his attachment to the Americans; his principles were known through the medium of the press, and he was intirely independent of the minister, and unconnected with opposition. He traced the origin of the present disputes to a congress at Albany in 1754, at which he was present; he had the means of knowing the real opinion of the first men of business and ability in that country, and saw the rise of the present crisis. He had, therefore, always, in both countries, recommended such a mode of conduct, as in his judgment was calculated to prevent a rupture; but had the misfortune to find his counsel disregarded. He now saw the colonists resisting the government derived from the crown and parliament; opposing rights which they had always acknowledged; arming and arraying themselves, and carrying their opposition into force by arms: under such circumstances, he could not deny the necessity which impelled this country to assume a hostile position: the Americans themselves had rendered it necessary. But although he acquiesced in the coercive measures of government, he ever looked to pacification, and hailed the proposition as a dawn of peace. If two adverse nations were on the eve of war, some mediating power might be found to avert the calamity; and considering the Americans in the same situation, he adjured the House, and par-

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ticularly the country gentlemen, to interfere and prevent fatal consequences. The terms were prudent and candid; and an analysis of the proposition proved it, in all its parts, wise, politic, and equitable.

Speech of Mr. Fox.

Mr. Fox congratulated his friends and the public on the retrograde movement of the minister, who, receding from his former steps of violence and war, now tried the paths of peace; a change which he attributed to the persevering efforts of a firm and spirited opposition. He questioned, however, the sincerity of the motion: it exhibited two faces; to the Americans it offered negotiation and reconciliation, and to the advocates of British supremacy, a resolution never to abandon that object. This conduct would alienate his friends, while those who sincerely desired peace would not trust the speciousness of his offers, and the Americans would reject them with disdain.

Mr. Jenkinson.

Mr. Jenkinson denied that the proposition indicated any change of proceedings: on the contrary, it made part of the very measures in which the House engaged by the late address. So far from being a new proposition, it was the same which Mr. Grenville had made to the colonies the year before he introduced the stamp act; and, had the colonies ever proposed measures in this line of common service, government would have been ready to listen. If the proposition contained any novelty, it consisted in that explicit and definitive mode of explanation, which, if rejected, would leave the colonies without excuse.

Motion for chairman to leave the chair.

The great objection to the motion arose from its repugnance to the address; an opinion first started by Mr. Welbore Ellis, and supported by Mr. Adam, Mr. Dundas, and Mr. Ackland, who moved that the chairman should leave the chair.

Embarrassment of the minister. Extricated by Sir Gilbert Elliott.

Lord North was embarrassed by this objection, and spoke several times in explanation: Sir Gilbert Elliott at length reconciled the apparent deviation, by observing, that the address contained two correspondent lines of conduct. The one, to repress rebellion,

protect loyalty, and enforce the laws: for this, the forces had been augmented, money levied, and measures of restriction resorted to. The other concurrent and concomitant line was, indulgence to those who would return to their duty: this, in the address, was necessarily intimated in general and vague terms; no definitive and explicit expressions could be used, unless the subject had been assumed as a particular point of consideration. The measure now proposed, far from being contradictory to, or inconsistent with, the other, was so absolutely connected, that, without it, the plan adopted at the beginning of the session would be broken, defective, and unjust. CHAP. XXV. 1775.

Colonel Barré vigorously attacked the minister on the ridiculous situation in which he had placed himself, and from which he was only extricated by Sir Gilbert Elliott. He expected at first that Lord North would have lost many of his old friends, without gaining new. But although the minister's new motion would cause no new divisions, yet it was founded on that wretched, low, shameful, abominable maxim, which had so long predominated, *divide et impera.* This was to divide the Americans; this was to break those associations, to dissolve that generous union, in which, as one man, they stood in defence of their rights and liberties. But they were not, nor could the minister consider them such gudgeons as to be caught with so foolish a bait: he meant only to propose something specious, which he knew the Americans would refuse; and thus afford a pretext for calling down tenfold vengeance on their devoted heads, now rendered ten times more odious. But this snare would not succeed! Colonel Barré.

Lord North again rose to defend himself against the charge of a low, mean, foolish policy, in grounding his measures on the maxim *divide et impera.* "Is it foolish, is it mean," he said, "when a people, heated and misled by evil councils, are running into unlawful combinations, to hold out those terms which Lord North.

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will sift the reasonable from the unreasonable, distinguish those who act upon principle from those who wish only to profit by the general confusion and ruin? If propositions that the conscientious and the prudent will accept, will, at the same time, recover them from the influence and fascination of the wicked; I avow the use of that principle, which will thus divide the good from the bad, and give aid and support to the friends of peace and good government."

Mr. Burke.

Mr. Burke called the proposition a contradiction to all the declarations of parliament, a shameful prevarication in ministers, and a mean departure from all their professions: he was willing to purchase peace by any humiliation of ministers or of parliament; but the present measure was mean without being conciliatory. It was a far more oppressive mode of taxation than that hitherto used, for it made no determinate demand. The colonies were to be held in durance by troops and fleets, until singly and separately they should offer to contribute to a service they could not know, in a proportion they could not guess, on a standard which they were so far from being able to ascertain, that parliament had not ventured to hint at the scope of their expectations. He compared this conduct to the tyranny of Nebuchadnezzar, who ordered the assemblies of his wise men, on pain of death, not only to interpret, but to tell him the subject of a dream which he had forgotten. Every benefit, natural and political, must be acquired in the order of things, and in its proper season. Revenue from free people must be the consequence, and not the condition of peace; if this order were inverted, neither peace nor revenue could be obtained.

Mr. Dunning.

Mr. Dunning bantered the minister, on the danger he had incurred of losing his usual supporters, his efforts to retain them, and the timely interference of Sir Gilbert Elliott. He admitted the validity of the objections taken by ministerial members, and opposed the motion, as being not conci-

liatory, but subtle and treacherous. It was, however, adopted by a large majority [P]. On presenting the report of the committee, the argument was renewed, but nothing remarkable for novelty or interest was urged on either side. The resolution was agreed to without a division.

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27th Feb. Resolution agreed to.

Lord North's plan of conciliation, if indeed conciliation was possible, contained no great radical defects; it did not compromise the dignity of empire, or require abject submission: most of the arguments against it used by the members generally in opposition, were drawn rather from the imputed character of the minister, than the nature of the measure. Acquiescence was not, perhaps, seriously expected by either party; but as the American cause was highly interesting to the opposition, it was necessary for them to produce a plan of conciliation, for the acceptance of which, by the Americans, they could pledge their credit, and from the terms of which they might, by comparison, infer a censure of Lord North's proposition. Accordingly, about a month after the minister's motion was carried, Mr. Burke proposed thirteen resolutions, as the basis of tranquillity, and the means of obviating all future causes of contention.

Burke's motion.

22d Mar.

In recommending this measure, Mr. Burke made one of his most eloquent speeches. It may be considered a model of skilful pleading; but when the parts of the oration are distinctly reviewed and compared, when the partial statements of fact, the fallacious deductions in argument, the palliation of the indignities and injuries sustained by Great Britain,

His speech.

[P] 274 to 88. This celebrated debate is described with characteristic wit, by Gibbon: "We go on with regard to America, if we can be said to go on; for last Monday a conciliatory motion of allowing the colonies to tax themselves, was introduced by Lord North, in the midst of lives and fortunes, war and famine; we went into the House in confusion, every moment expecting that the Bedfords would fly into rebellion against those measures. Lord North rose six times to appease the storm, but all in vain; till at length Sir Gilbert declared for administration, and the troops all rallied under their proper standard." See Gibbon's Posthumous Works, vol. i. p. 490.

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and the exaggeration of the wrongs done to America, are accurately investigated, the effect ceases, and it cannot be considered as a foundation for any system of action, calculated to promote general good.

In his exordium, Mr. Burke reviewed the state of Great Britain, with regard to America, and stated the necessity he felt, not unaccompanied with diffidence, of making some proposition for permanent tranquillity. Anger and violence, daily increasing, were hastening toward an incurable alienation of the colonies: his proposition was peace: "Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to rise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or precision in marking the shadowy boundaries of a complex government: but simple peace; sought in its natural course, and ordinary haunts; peace sought in the spirit of peace; and laid in principles purely pacific. I propose by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the mother-country*, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government."

He attempted to ridicule Lord North's proposition, but took advantage of the acquiescence of the House in it, to reason, as on an established principle, that the American complaints were not without foundation, that conciliation was admissible before concession, and to infer that the proposals ought to originate from Great Britain.

He then viewed the enlarged population of America, and increased importance of her trade, both in exports and imports; describing in glowing terms her

augmenting commerce[q], prosperous agriculture, and enterprising fisheries. Such a people should be governed by prudent management; force was not only an odious, but a feeble instrument, for preserving a race so numerous, so active, so growing, so spirited, in a profitable and subordinate connexion.

In the character of the Americans, he contended, the love of freedom was the predominating feature; a fierce love of liberty, rendered jealous, suspicious, restive, and intractable, by the appearance of an attempt to wrest from them by force, or shuffle from them by chicane, the only advantage which, in their estimation, gave value to life. This ardour for liberty he ascribed to six causes:

The descent of the Americans from Englishmen;

The popular governments of the colonies;

The religious spirit of the northern provinces;

The possession of slaves in the southern, which rendered the owners far more proud and jealous of their freedom;

Their education, which led so universally to the study of law, that almost all the Americans were lawyers, or smatterers in law, and successful proficients in the arts of chicane;

And their distance from the seat of government. "Three thousand miles of ocean," he exclaimed, "lie between you and your subjects. No contrivance can prevent the effect of this distance, in weakening government. Seas roll, and months pass, between the order and the execution: and the want of a speedy explanation of a single point, is enough to

[q] In descanting on this part of his subject, Mr. Burke assumed that the African, West Indian, and North American trade were so interwoven, that the attempt to separate them would tear to pieces the contexture of the whole; and if not entirely destroy, would very much depreciate the value of all the parts, and therefore considered the three denominations one trade. On this basis he entered into a comparison between the exports in 1704, and the existing period, shewing that within that time, they had increased from 569, 930l. to 6,024,171l. and that the trade with America was in 1772 within less than 500,000l. of being equal to what, at the beginning of the century, England carried on with the whole world. It is obvious that such commercial statements are easily adapted to the views or system of the speaker.

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defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says, 'So far shalt thou go, and no farther.' Who are you, that should fret, and rage, and bite the chains of nature? Nothing worse happens to you than does to all nations, who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Bursa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre, is derived from a prudent relaxation in all its borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law of extensive and detached empire."

From these investigations, he proceeded to examine the means by which a new government had been established without the ordinary artificial media of a positive constitution, better observed than the ancient government in its most fortunate periods, and yet formed in the midst of anarchy. Against the daring and stubborn spirit which could achieve such a prodigy, only three modes of proceeding could be found: to change it by removing the causes; to prosecute it as criminal; or to comply with it as necessary. Examining distinctly each of the causes he had before assigned, the orator shewed the impracticability of changing those which were moral, and removing those which were natural. The se-

cond mode was too vast for his ideas of jurisprudence; he knew not the method of drawing up an indictment against a whole people, and felt rather mortified than honoured by being a judge in his own cause; nor were the criminations hitherto adopted, attended with a correspondent effect. Massachuset's Bay was declared in rebellion, but no individual was convicted or even apprehended; measures of coercion were resorted to, rather resembling a qualified hostility against an independent power, than the punishment of rebellious subjects. CHAP. XXV. 1775.

Conciliation and concession then alone remained; the colonies complained of being taxed in a parliament where they were not represented. If they were to be satisfied, it must be by giving them the boon they asked; not another of a kind totally different, but which might be thought better for them. He deprecated all discussion on the right, as foreign from the question, which related merely to expediency. Whether the grant of money was a private power reserved out of the general trust of government, and how far mankind in all forms of polity were entitled to an exercise of that right by the charter of nature? Or whether, on the contrary, a right of taxation was involved in the general principle of legislation, and inseparable from the ordinary supreme power? "These," he said, "are deep questions where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the *great Serbonian bog betwixt Damiata and Mount Casius old, where armies whole have sunk.* I do not intend to be overwhelmed in that bog, though in such respectable company." A title and arms to support it were of no use, if reason tended to convince him that the assertion of his title would be the loss of his suit, and that he could only wound himself with his own

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weapons. He was not determining a point of law, but restoring tranquillity.

He then proceeded separately to develope his propositions, and to descant on each. They recited the unrepresented state of the colonies, and the injustice of taxing them by a British parliament. Distance prevented their sending deputies to England, and they had general assemblies of their own legally authorized to raise taxes. Those assemblies had frequently granted large subsidies to the King, which had been found a more agreeable and beneficial manner of conducing to the public service than acts of parliament. The remaining propositions were to repeal the tax act of 1767; the Boston port act; the Massachuset's Bay judicature act; and the act for altering the charter of that colony; to explain and amend the statute of Henry VIII. for trial of treasons committed out of the realm; to render the judges appointed by the general assemblies irremovable, but by the King in council, on a representation or complaint from one branch of the colonial legislature, and by regulating the courts of admiralty, to render them more commodious to the suitors.

On each of these resolutions he descanted with much ability, quoting historical facts, citing the precedents of Ireland, Wales, Chester, and Durham, to shew the expediency of giving constitutional rights, instead of imposing taxes, and inferring from every mode of argumentation, and every testimony of experience, the practical benefits to be derived from his plan.

He anticipated, and endeavoured to obviate some objections, and attempted to reconcile the House to the cause of the Americans, by saying, they did not in any general way, or in any cool hour, go much beyond the demand of immunity in relation to taxes, and they had no interest contradictory to the grandeur and glory of England. He called Lord North's plan a project of ransom by auction, and, after a long

analytical comparison, gave his own a decided preference, as deriving a larger fund from prosperous gratitude, than could be obtained by compulsive oppression. "What is the soil or climate," he exclaimed, "where experience has not uniformly proved, that the voluntary flow of heaped up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world."

He declared, in the strongest terms, the utter impossibility of receiving a revenue in England transmitted from America, and argued, from the example of Bengal, where the sums received in taxes were refunded by loan, that no fiscal emolument could be expected from a distant country. Bengal was peculiarly qualified to produce and transmit wealth; America had none of these aptitudes. If she gave taxable objects, on which to lay duties here, and a surplus by a foreign sale of her commodities, she performed her part to the British revenue. With regard to her own internal establishments, she might, and doubtless would, contribute in moderation; — in moderation; for she ought not to be permitted to exhaust herself. "Magnanimity in politics is not seldom the truest wisdom; and a great empire, and little minds, go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station, and ourselves, we ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honourable conquests; not by destroying, but by promoting, the wealth, the number, the happiness of the human race. Let us get an American revenue, as we have got an Ameri-

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can empire. English privileges have made it all that it is: English privileges alone will make it all it can be."

Debate.

It appears that these propositions were vigorously combated, and a long and animated debate maintained, in which the principal speakers on the ministerial side, were, Mr. Thurlow, Mr. Jenkinson, Mr. Cornwall, and Lord Frederic Campbell; but their speeches are not preserved. The insidiousness of the propositions was pointed out, and the attempt to introduce a necessity of yielding every object of contest, under the notion of affirming an obvious truth, was severely censured. The mere truth of an axiom did not prove of course the propriety of making it the subject of a vote: and as the House had frequently resolved not to sanction the unconstitutional claims of the Americans, they could not admit resolves leading directly to a concession of them. No assurance was offered, that if the propositions were adopted, the colonists would make dutiful returns; and thus the scheme, pursued through so many difficulties, of making that refractory people contribute their just proportion to the expences of the whole empire, would be rendered abortive. It was further insisted, that not the American assemblies, nor any other body, except parliament alone, could, consistently with the bill of rights, levy money for the use of the crown; and that any minister, who suffered the grant of a revenue from the colonies in such a manner, would merit impeachment. All inferior assemblies in the empire were, like corporate towns in England, capable of making bye-laws for their own municipal government alone, and nothing further.

Propositions rejected.

The resolutions were supported by Lord John Cavendish, Mr. Hotham, Mr. Tuffnell, Alderman Sawbridge, and Mr. Fox; but the first being lost by a motion for the previous question[r], the remainder

[r] 270 to 72.

were similarly disposed of, or negatived without a division.[s] CHAP. XXV.

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Not discouraged by the failure of Mr. Burke's plan, Mr. Hartley, a few days afterward, introduced a new conciliatory project, not greatly differing from that which Lord Chatham tendered to the House of Lords. It was prefaced by a long and able speech, and concluded with a motion, that letters of requisition should, by the King's command, be written to the North American provinces, to make provision for their own defence, and the answers laid before the House. The debate did not produce any novelty in fact or argument, and the motion was negatived without a division; as were three others made by the same member, for suspending, during a limited period, the operation of the three acts of the last session, relative to Massachuset's Bay.

27th March. Mr. Hartley's plan.

Negatived.

Toward the close of the session, Mr. Burke produced to the House a representation and remonstrance from the general assembly of New York, for which colony he was agent. It was introduced by an assertion, undoubtedly true, that New York yielded to no part of the King's dominions, in zeal for the prosperity and unity of the empire, and had ever contributed as much as any, in its proportion, to the defence and wealth of the whole. He candidly owned he did not expect the House would approve of every opinion contained in the paper; but as its general language was decent and respectful, he moved, after recapitulating the heads, for leave to bring it up.

15th May. New York remonstrance.

[s] Burke's speech was published, and is printed in vol. ii. of his works. The statement of the arguments on the other side is taken from a very confined report in Debrett's Debates, and from the Annual Register for 1775, p. 108*. Dr. Tucker, in two tracts, intitled, "A Letter to Edmund Burke, Esq. in answer to his printed speech," and "An humble Address and earnest Appeal," has minutely investigated, and often triumphantly refuted Burke's positions and deductions. In point of style, Tucker is not to be compared with his antagonist, and he often attacks him on his employment as agent for the colony of New York, his equivocations, and his factiousness in opposition, which the Dean calls mock patriotism, in a manner which the provocations given by Burke can hardly justify; but Dr. Tucker took an uncommon view of political and commercial subjects, which he treated with much good sense.

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The remonstrance was similar to those received from other parts of America, claiming the same rights, complaining of the same grievances, though avowedly not extended to the petitioners, and demanding the repeal of the same acts of parliament. This paper afforded a sufficient proof, that the arts by which the other colonies had been inflamed were not without success in New York.

Rejected.

Lord North, paying a just tribute to the disposition hitherto manifested by that proviuce, and professing an inclination to relieve them in one of the subjects of complaint, the Quebec duties, moved an amendment, by which the petition would not be received, alleging, that although parliament had already relaxed in very essential points, they could not hear any thing which tended to call in question the right of taxing. After some debate, the amendment was carried.[t]

18th May. In the House of Lords.

The Duke of Manchester offered a paper somewhat similar, from the same body, to the upper House, but as he declined stating the general heads, the House could not receive it, consistently with the accustomed forms of parliament.[u]

[t] 186 to 67.

[u] 45 to 25. The Earl of Effingham particularly exerted himself in this debate. He was bred to arms, and from an eager desire to become a practical soldier, served as a volunteer in the Russian army, during the late war with the Porte. The twenty-second regiment of foot, in which he held a captain's commission, being ordered to America, he resolved, though not possessed of an ample patrimony, to resign a darling profession, and all hopes of advancement, rather than bear arms in a cause he did not approve. In this debate he expressed his sentiments on this subject in the following terms: "Ever since I was at an age to have ambition at all, my highest has been to serve my country in a military capacity. If there was on earth an event I dreaded, it was to see this country so situated, as to make that profession incompatible with my duty as a citizen. That period is, in my opinion, arrived: and I have thought myself bound to relinquish the hopes I had formed, by a resignation, which appeared to me the only method of avoiding the guilt of enslaving my country, and embruing my hands in the blood of her sons. When the duties of a soldier and a citizen become inconsistent, I shall always think myself obliged to sink the character of a soldier in that of the citizen, till those duties shall again, by the malice of our real enemies, become united. It is no small sacrifice which a man makes who gives up his profession; but it is a much greater, when a predilection, strengthened by habit, has given him so strong an attachment to his profession as I feel. I have, however, this one consolation, that by making that sacrifice, I at least give to my country an unequivocal proof of the sincerity of my principles." The cities of London and Dublin voted him their thanks for this conduct. History of Lord North's Administration, p. 202.

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Attempts were made in both houses, nearly at the same time, to procure a repeal of the act for establishing the government of Quebec. In the Lords, the motion was made by Lord Camden; in the Commons, by Sir George Savile. Both took for their foundation petitions signed in November 1774, by a hundred and eighty-four persons, complaining of the privation of the habeas corpus, and the trial by jury. The arguments against the act embraced the topics of last session, and the usual invectives against popery; and the defence was conducted on the principles originally advanced in support of the measure, with additional observations, derived from experience. The motions for repeal were negatived.[w]

Attempts to repeal the Quebec act.

Notwithstanding the magnitude, difficulty, and importance of the proceedings respecting America, several other objects engaged the attention of parliament in the course of this active session. Alderman Sawbridge made his annual motion for shortening the duration of parliament, and was supported in a long speech by Mr. Wilkes; who also applied for a revisal of the proceedings relative to his election for Middlesex; but both propositions were rejected[x]. On the motion of Mr. Gilbert, a committee was appointed to examine into the state of the poor laws; and in consequence of a message from His Majesty, the palace in St. James's park, called Buckingham-house, was purchased, and settled on the Queen, in lieu of Somerset-house, which was afterwards converted to public uses.

Other proceedings in parliament.

1st Feb.

22d Feb.

27th Mar.

12th April.

At the conclusion of the session, the King expressed his intire satisfaction at the conduct of parliament, and augured the most salutary effects, from measures formed and conducted on such principles.

26th May, Prorogation.

w In the Lords 88 to 28. In the Commons 174 to 86.

x "On Wednesday," says Gibbon, "we had the Middlesex election. I was a patriot; sat by the Lord Mayor, who spoke well, and with temper, but before the end of the debate fell fast asleep."

CHAPTER THE TWENTY-SIXTH.

1775 — 1776.

State of Boston. — Conduct of New York. — Meeting of the provincial congress of Massachusetts Bay. — Proceedings in other provinces. — Attempt of Gage to seize cannon at Salem. — Expedition to Concord. — Hostilities at Lexington. — Contradictory statements. — Blockade of Boston by the Americans. — Exertions of the provincial congress. — Lord North's conciliatory propositions referred to the assembly of Pennsylvania — and rejected — the same in other colonies. — Sitting of the general congress. — Their first measures. — Arrival of reinforcements. — Gage proclaims martial law. — Bunker's hill fortified by the Americans — stormed by the English. — Proceedings of congress. — Accession of Georgia to the confederacy. — Washington appointed commander in chief. — Declaration of congress. — State of their army. — Inertness of the British army. — Congress vote an address to the legislature of Jamaica. — Reject the conciliatory propositions. — Expedition against Canada undertaken. — Capture of Ticonderoga. — Crown Point. — Skenesborough — and the sloop Enterprize. — Dissimulation of congress. — Their address to the people of Canada. — Exertions of General Carleton. — Canada invaded. — Siege of St. John's. — Fort Chamblee taken. — St. John's capitulates. — Ethan Allen taken prisoner. — Montreal evacuated. — Expedition of Americans through the Wilderness. — Maclean defends Quebec. — Arnold repulsed. — Judicious proceedings of Montgomery. — Joins in besieging Quebec. — State of the American army. — Assault of Quebec. — Death of Montgomery. — Failure of the enterprise. — Quebec blockaded. — Transactions in Virginia. — Lord North's propositions rejected. — Contest between Lord Dunmore and the assembly — he retires on board a man of war. — Carries on predatory hostilities — proclaims martial law — emancipates the slaves. — Town of Norfolk burnt. — Lord Dunmore abandons the colony. — Failure of Connelly's project. — Transactions in North Carolina. — The governor driven away. — The like in South Caro-

lina. — Ascendancy of congress. — Gage recalled. — Americans issue letters of marque. — Falmouth destroyed. — General view of events.

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1775. State of Boston.

NOTWITHSTANDING the contributions raised in other colonies, the people of Boston experienced great distress; a populous and commercial town, suddenly deprived of its usual means of support and prosperity, was reduced to an abject dependence on eleemosynary benevolence; the inclemency of the winter increased the general misery; none were totally exempt from inconvenience, and many were plunged in the deepest calamity. The restraints of law were suspended; yet such was the fervour of party enthusiasm, that no violence or disorder was committed, except in the struggles between the opponents of government and the military; and perhaps even these were greatly exaggerated. But the sufferings so generally experienced could not fail of producing a proportionate share of resentment; and although the military force was sufficient to prevent serious attempts, the spirit of animosity and resolute resistance was assiduously kept alive, and inflamed by every species of publication and address.

The resolutions of congress afforded room for many contests; but the dispersion of the members over the whole continent, the zeal resulting from the novelty and arduousness of their situation, as well as a strong political bias, the strenuous efforts of the corresponding committees, and the inflamed state of the public mind, gave the opponents of government many advantages over its friends. The exertions of the popular faction were violent and incessant, extending in every direction, and appealing to every motive of reason and of prejudice; those of the government party were comparatively feeble and languid, generally tending to remedy or obviate some disorder or misrepresentation, and often not adopted till the occasion had ceased, or was grown unimportant.

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1775. 23d Jan.

Conduct of New York.

The assembly of New York rejected the proceedings of congress on a solemn debate, as did a few towns[a] in other colonies: but their example was not calculated to produce general effect; and even the assembly of New York, before the termination of its sitting, voted an address complaining of many grievances, and requiring many remedies petitioned for by congress. On the other hand, unremitting endeavours were used to familiarize to the people the idea of having recourse to arms, and to furnish them with means of making forcible resistance.[b]

Effect of the King's speech.

The King's speech on opening the session of parliament, greatly increased the popular discontent. Violent resentments were expressed at the imputation of a prevailing disposition to disloyalty; it was resolutely denied by several provincial congresses, who declared that a *due* submission to the *constitutional* laws of their country was the great characteristic of the American people.

4th Feb. Meeting of the provincial congress of Massachusetts Bay.

In pursuance of their resolution at the last adjournment, the provincial congress of Massachusetts Bay met at Cambridge. In an address to the people, they expressed fears that, from the disposition of the British ministry and parliament, reasonable and just applications for peace, liberty, and safety, would not meet with a favourable reception; but on the contrary, from the large reinforcements expected, the tenor of intelligence, and general appearances, their sudden destruction was particularly intended, for refusing, with the other American colonies, tame submission to the most ignominious slavery. They recommended encou-

[a] The inhabitants of Barnstaple in New England, at a town-meeting, (January 4th, 1775) rejected by large majorities the resolutions and proceedings of congress; at Ridgefield in Connecticut, a special town-meeting was held, and the proceedings of congress renounced with only three dissentient voices. Loyal associations were formed, and the King's authority explicitly avowed in several towns, and by a small party even in Boston.

[b] The town of Marblehead resolved, "That as the greater part of the inhabitants might soon be called forth to defend the charter and constitution of the province, a considerable advance of pay should be made to the militia; and decreed the raising of a sum of money for that purpose."

ragements to persons skilled in manufacturing fire-arms and bayonets, and covenanted to purchase as many as could be produced within a certain time. They declared the highest detestation of all who presumed to supply the royal troops with military or building stores; exhorted the militia and minute-men[c] to spare neither time, pains, nor expense, in acquiring discipline, and to procure skilful instructors for companies not already provided.

Proceedings in other provinces.

Similar measures, though not perhaps to the same extent, were adopted in several other colonies. Pennsylvania was the first, which in a provincial convention approved the resolutions of the general congress; and adopted means for supplying the province, from its internal resources, with the articles necessary for subsistence, clothing, and defence. Virginia was forming military companies; Connecticut boasted of a park of forty pieces of cannon, and ten thousand soldiers; and in Maryland great exertions were used, and even force recurred to for the purpose of augmenting the patriotic levies.

Pennsylvania. Virginia. Connecticut. Maryland.

Attempt to seize cannon at Salem.

General Gage made some efforts to prevent the success of such proceedings in his government, but his measures were not projected with sufficient judgment, nor arranged with sufficient secrecy for the urgency of the occasion, and the subtilty of his opponents. While the public mind was highly exasperated, and the rage against the military restrained only by the dread of their prowess, no enterprize should have been undertaken which was not of great importance in itself, and in which the means of success were not so combined as to render disappointment impossible. But General Gage was of an unsuspicious confiding disposition; slow to believe that the Americans would urge opposition to the last extremities; tardy in adopting measures of coercion, and easily disposed to suspend compulsive efforts. Having received intelligence that some ordnance was de-

[c] So called from their engaging to be ready at a minute's notice.

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1775. 26th Feb.

posited at Salem, he dispatched a field-officer with a small detachment on board a transport to seize it. This force pursued with eagerness a false information, were arrested in their course by the proprietor of a private road, and baffled in their attempt to pass a small river by the destruction of the ferry boat, which was cut through with axes before their eyes; they were then obliged to avail themselves of the intercession of a clergyman, who, to prevent effusion of blood, and save their honour, obtained permission for them to make a small progress; and they finally returned to Boston, without accomplishing their instructions. In this frivolous expedition, they displayed the utmost coolness and discipline; but their disgrace in being foiled, afforded ground for exultation to the provincials, and diminished the impression made by the presence of an armed body.

Expedition to Concord.

This failure might have warned General Gage against the bad policy of pursuing expeditions with an insufficient force up the country, where every hour's march strengthened the enemy, and rendered retreat more dangerous and precarious. Such efforts encouraged attack, and incurred the risk of defeat at the most critical moment of the contest. Yet his next attempt was of a similar nature. Having learned that military and naval stores, purchased for the provincial congress, were deposited at Concord, he confided to lieutenant-colonel Smith, and major Pitcairne of the marines, the command of a secret expedition, composed of grenadiers and light infantry, to seize or destroy them.

18th April.

There is reason to believe, that notwithstanding the precautions taken, intelligence of the General's intentions had transpired[d]. The troops were embarked during the night in boats, and conveyed up Charles river, to a place called Phipps's farm: they landed before day, and, in order to keep their march profoundly secret, seized all passengers; yet they

[d] See Stedman, vol. i. p. 119; Almon's Remembrancer for 1775, p. 81.

had advanced only a few miles, when they perceived, by the firing of guns and ringing of bells, that the country was alarmed. Colonel Smith immediately detached six companies of light infantry to secure two bridges on different roads, leading from Concord, and on the other side of that town.

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At five o'clock in the morning, they reached Lexington, fifteen miles distant from Boston, near which they perceived a military corps exercising on a green; these persons were peremptorily summoned to throw down their arms and disperse; the former part of the injunction was disregarded, the latter sullenly obeyed, and while the Americans were in the act of retreating, some pieces were discharged at the King's troops from behind a stone wall, and from adjoining houses: the fire was instantly returned, and several Americans were killed and wounded.

19th. Hostilities at Lexington.

The advanced detachment was, in consequence of this delay, joined by the grenadiers; they proceeded to Concord, and destroyed some stores; but the light infantry, posted at the bridge, were obliged to maintain their position by firing on the militia, of whom near four hundred were assembled, and who returned the fire.

Stores destroyed at Concord.

When the detachment began their retreat to Boston, the whole country was alarmed; the minutemen, volunteers, and militia, assembled from all quarters, and were posted among trees, in houses, and behind walls, whence they greatly annoyed the King's troops; while a strong body, hourly reinforced, pressed on their rear. Spent with fatigue, and harassed by an incessant and effectual, though irregular fire, the soldiers were driven before the Americans to Lexington, where they were fortunately met by a division under Lord Percy, consisting of sixteen companies of foot, and some marines, who had marched to sustain them. Colonel Smith's detachment, completely exhausted, lay down on the earth to recover strength, while the troops under

The troops harassed in their return.

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Lord Percy formed a hollow square, inclosing them, and administering refreshment.

The united companies proceeded toward Boston, harassed by the Americans, who from their places of ambush kept up an incessant fire, running from front to flank, and from flank to rear, loading their pieces at one place, and discharging them at another, in a manner which rendered it impossible to assault them in return.

After evading an insidious attempt to lure them to their doom, by false intelligence respecting a ford, the detachment reached Boston about sun-set, not less dispirited by the incidents, than exhausted by the fatigues of their long and distressing march. The whole force amounted to about eighteen hundred men; sixty-five were killed, a hundred and eighty wounded, and twenty-seven missing, of whom several were scalped, or had their ears cut off by the Americans. The provincials lost, according to their own accounts, about fifty killed and thirty-eight wounded.

Observations and view of the contradictory statements.

Such were the proceedings of this day, in which blood was first drawn in battle, between Great Britain and her colonies. Assertions diametrically contradictory were advanced, respecting the origin of hostility: the question will not now be very interesting, considering the great events which ensued and which were not influenced by that fact. The state of animosity against government, and the open declarations of the demagogues, left no doubt that force would be ultimately resorted to in deciding the differences: the collecting of military stores, the pains taken to alarm the country, and the drawing up of an armed body to oppose the progress of the King's troops, render indisputable the hostile dispositions of the Americans, and clearly indicate their resolution to try their strength on that day; the British forces, in the recent expedition to Salem, and on many other occasions, had shewn incredible forbearance in sustaining every species of insult, without having recourse to extremities; and the

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assertion, that they were first assailed is supported by probability; although many witnesses gave direct testimony to the reverse.[e]

Effects of the event.

The advantages derived from the expedition were but trifling, as great part of the stores had been previously removed; while the injury accruing to the cause of government was extensive and permanent. The circumstances of the day afforded the enemy an opportunity of throwing odium on the King's troops, and enabled them to excite the timid to resistance, and confirm the wavering in sentiments of decided and unlimited opposition. Discipline and valour had been baffled by energy and cunning; those who were not engaged in the contest, became enflamed with emulation; longed to share the glory of driving before them the British troops; and talked with confidence of expelling them from Boston. Their zeal was farther excited by an untrue report, industriously circulated, that one object of the expedition was the seizure of John Hancock and Samuel Adams, two distinguished members of congress.

Boston blockaded by the Americans.

It is well observed by a writer friendly to the Americans, that as force was to decide the contest, it was fortunate for them that the first blood was drawn in New England, where the inhabitants are so connected by descent, manners, religion, politics, and a general equality, that the destruction of an individual interested the whole community, and excited general indignation. The militia from all parts of the province poured in, and an army was soon formed of twenty thousand men, under the command of colonels Ward, Pribble, Heath, Prescott, and Thomas, officers who had served in provincial regiments in the last war, and now acted as generals. The head-quarters were fixed at Cambridge, and a large detachment from Connecticut having joined them under Putnam, a veteran, who had acquired knowledge and expe-

[e] See accounts on both sides, in the London Gazette, 10th July, 1775.—Stedman—Ramsay—Morse's American Geography—Almon's Remembrancer, 1775—and the depositions published by the Americans.

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rience in the last two wars, a line of encampment was formed of thirty miles in extent, reaching from the river Mystic on the left, to Roxburgh on the right, and inclosing Boston in the centre; while Putnam took a position from which he could extend succours to those parts of the line of encampment which were nearest to Boston: the strength of the works from the Neck preserved that town from assault, but it was closely blockaded.

22d April. Gage permits families to quit Boston;

To prevent co-operation in case of an attack, which, however desperate, was daily expected, General Gage entered into a compact with the inhabitants, permitting them to leave the town, with their families and effects, on giving up their arms. Many, wishing to avail themselves of this agreement, performed their part of the stipulation; but it was speedily represented, that the enemies of government alone were disposed to quit Boston, by which means the danger of the well-disposed was greatly increased, as in case of an assault, their lives and properties alone would be exposed. In consequence of these intimations, passports were not granted without delays and difficulties; effects, it was contended, did not include merchandize; the wives and children of those who absented themselves were deemed desirable hostages, and thus separations of families ensued. General Gage, in vindication of these proceedings, issued a proclamation, asserting, that all the arms had not been delivered up; but the inhabitants bitterly complained of the infraction of the agreement.[f]

but afterwards restrains them.

Exertions of the provincial congress.

The provincial congress, which was now removed to Watertown, ten miles from Boston, shewed their consideration for the besieging army, by making provisions for cloathing, and fixing a liberal pay for the officers and soldiers. They also established rules for governing the military force[g], and voted a large sum,

[f] Ramsay's History of the American Revolution, vol. i. p. 189.

[g] See these rules, which, with their introductory recitals, are worthy of notice, as indicating the unaltered puritanical spirit of the people, in Almon's Remembrancer, vol. i. p. 120.

to be issued in paper currency, for defraying its expenses, for the redemption of which paper the faith of the province was pledged. They drew up an address to the inhabitants of Great Britain, justifying the late conflict; complaining, in acrimonious terms, of the conduct of the regulars; professing great loyalty, but appealing to heaven for the justice of their cause, and declaring their resolution not to submit to the persecution and tyranny of a cruel ministry, but to die or be free. They also resolved, that as General Gage had, by the late transactions, disqualified himself from serving that colony as governor, or in any other capacity, no obedience was due to him, but he was to be guarded against as an unnatural and inveterate enemy.

5th May.

Conduct of other Provinces.

While so much ardour, zeal, and resolution, were displayed in Massachuset's Bay, the other provinces were not backward in exhibiting a consentaneous spirit. On receiving news of the affair at Lexington, the populace at New York seized the magazine of arms, and unladed two provision vessels destined for the King's troops at Boston; formed themselves into military companies, chose officers, distributed arms, called a provincial congress, and adopted all the violent measures which they had hitherto so cautiously avoided. In Philadelphia, even the Quakers took up the sword, excepting only the aged and the heads of meetings. At some places the magazines were seized; in New Jersey the treasury; and a general prohibition was imposed on the exportation of provisions.

23d April. New York.

Philadelphia.

Exportation of provisions prohibited.

2d May. Conciliatory propositions referred to the assembly of Pennsylvania;

During this ferment, Lord North's conciliatory propositions arrived, and were first referred to the assembly of Pennsylvania, introduced by a persuasive and lenient address from Mr. Penn, the governor, who solicited temper, calmness, and deliberation, in considering the plan of reconciliation held out by the parent to her children; descanted on the equity, moderation, and kindness of the terms; congratulated them on being the first colonial assembly to whom the propositions had been submitted; and endeavoured,

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from this circumstance, to incite a desire of being instrumental in restoring public tranquillity, and rescuing both countries from the calamities of civil war.

1775. 4th May, and rejected.

The house, unmoved by these considerations, declared, without a dissentient voice, that they should esteem it a dishonourable desertion, to adopt a measure so extensive in its consequences, without the advice and consent of those colonies engaged with them by solemn ties, in an union founded on just motives, and conducted by general councils. They could form no prospect of lasting advantages for Pennsylvania, however agreeable at the beginning, but what must arise from a communication of rights and prosperity; and if such a prospect should be opened, they had too sincere an affection for their brethren, and too strict a regard for the inviolable performance of their engagements, to receive any pleasure from a benefit equally due to other colonies, yet confined to themselves, and which, by their temporary generous rejection, might be secured to all. In conclusion, they deprecated the calamities of civil war, which they considered a dreadful misfortune, only to be exceeded by an utter subversion of the liberties of America.

Rejected also in other provinces.

Other colonial assemblies followed the precedent of Pennsylvania; adding various reasons which were probably suggested by the arguments of opposition in parliament. Some regarded the propositions merely as a scheme for dissolving their union; some considered them not satisfactory, because the amount of the contribution was not left in their discretion, but to be determined by the King in parliament; and all concurred in a reference to the general congress, which in fact amounted to an utter rejection, as it was well known that the government of Great Britain would not acknowledge that body to be legally constituted.

4th Jan.

The Earl of Dartmouth had, some months before, in a circular letter to the governors of colonies, commanded them to prevent the meeting of congress, as highly displeasing to the King; but notwithstanding

every effort, they assembled at Philadelphia, and proceeded to frame resolutions for raising an army, and the emission of a paper currency, the realization of which was guaranteed by the *United Colonies;* that being the title by which they decreed that America should in future be distinguished. They prohibited the exportation of provisions to the British fisheries, or to any colony, island, or place, which continued in obedience to Great Britain, a measure productive of great temporary distress, particularly at Newfoundland. They also resolved, that by the violation of the charter of William and Mary, the compact between the crown and the people of Massachuset's Bay was dissolved, and therefore recommended the establishment of a new government, by electing a governor, assistants, and house of assembly, according to the powers contained in the original charter. They prohibited the negotiation of bills of exchange, drafts, or orders issued by officers of the army or navy, agents or contractors, or the loan of money to such persons, and the supplying of the army, navy, or transports, with provisions or necessaries. They erected a post-office, and soon afterward placed it under the management of Franklin.

1775. 10th May. Sitting of the general congress. 15th May. Their first measures. 17th May. 8th June. 2d June.

The reinforcements from England were now arrived, under the command of Generals Howe, Burgoyne, and Clinton, men of undoubted bravery, in the prime of life, who had served in different parts of the world; than whom none were considered by the public as more able in their military capacity, and in whose appointment neither parliamentary nor other influence had been used. General Howe's family was unfriendly to administration, and General Burgoyne sided with the opposition. General Clinton, of the noble family of that name, had been aide-de-camp to the hereditary Prince of Brunswick, and highly esteemed by him, and had distinguished himself during the seven years' war.

25th May. Arrival of reinforcements.

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Part of these troops being expected to land at New York, the inhabitants applied to congress for instructions. As no effectual resistance could be opposed, they were advised to permit them to occupy the barracks, but not to allow the erection of fortifications, or the interruption of communication with the country; and in case of hostilities, to repel force by force. The removal of women and children, and securing of arms and magazines, were also recommended; and in consequence of these measures, the once flourishing city became almost deserted. The newly-arrived forces, although they formed a very fine and well-disciplined army, and amounted together to ten thousand men, did not immediately undertake any enterprise. Boston continued blockaded, and the army and inhabitants reduced to subsist on the military stores; while only a few skirmishes, occasioned by the attempts of different parties to obtain provisions, shewed any desire on the part of the governor to meliorate his situation.

12th June. Gage's proclamation.

At length, as a last effort, General Gage issued a proclamation, in which he recited numerous violations of the laws by the Americans, the abuses of the press, the assault at Lexington, which he described as a consummate act of phrenzy, committed by many thousands, who attacked the King's troops from behind walls and lurking-holes; and complained of the blockade of Boston, which, he said, was made with the preposterous parade of military arrangement. In this exigency of complicated calamities, to spare the effusion of blood, he promised, in the King's name, pardon to all who should lay down their arms, and return to the duties of peaceable subjects. From this immunity he excepted Samuel Adams and John Hancock, as persons "whose offences were too flagitious to admit of any other consideration than that of condign punishment;" and declared them, and all persons who had appeared in arms and would not renounce them, and all who should protect or conceal

such offenders, or supply or communicate with them, rebels and traitors. And as justice could not be administered by the common law of the land, he proceeded, by virtue of the authority vested in him by the royal charter of the province, to proclaim martial law, until the restoration of tranquillity.[1]

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Whether this measure roused the provincials to effectual enterprise, or whether they were stimulated by intelligence of General Gage's intended movements, cannot be ascertained; but they now executed an attempt of considerable moment, with a celerity and resolution which afforded presage of an arduous contest. Charlestown is situated on a peninsula to the north of Boston, on the opposite bank of Charles river, which being navigable, and nearly the breadth of the river Thames at London bridge, Boston and Charlestown have been compared to the city of London and the borough of Southwark. Charlestown gives its name to the peninsula, in the centre of which rises Bunker's Hill, with an easy ascent from the isthmus, sufficiently high to overlook any part of Boston, and within cannon shot.

It is more characteristic of the hesitative situation of the dispute, than of the disposition or judgment of either party, that this important position had been so long neglected; General Gage, however, yielding to repeated and urgent advice, had determined to occupy it, when he was anticipated by the enemy.

16th June. Americans fortify Bunker's Hill.

About nine o'clock in the evening, a strong detachment of Americans moved from Cambridge, and passing over Charlestown Neck, reached the top of Bunker's Hill in perfect silence, and unobserved. With extreme rapidity and caution they contrived, in a short summer's night, and without alarming the ships of war or transports lying around, to throw up an intrenchment, reaching from the river Mystic on

[1] See the Proclamation in Almon's Remembrancer, vol. i. p. 126.

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1775. 17th June Stormed by the English.

their right, to a redoubt on their left, and in many places cannon-proof.

At day-break they were observed by the Lively sloop of war; the alarm was given; a cannonade began from the sloop, and from Cop's Hill in Boston; but these raw provincials still continued their operations, undismayed by a roar of artillery, which might have occasioned some consternation even among veterans.

About noon a detachment from the British army landed on the peninsula of Charlestown, and was afterward reinforced to upward of two thousand men; two lines were formed; General Howe commanded the right, destined to attack the provincial intrenchment, and the left was led on by brigadier-general Pigot, to storm the redoubt. The attack was begun by a sharp cannonade; the troops were suffered to form without molestation, and advanced slowly, halting at intervals to afford time for the effect of the artillery. The left wing in advancing was opposed by a body of provincials, posted in the houses at Charlestown, and during the conflict the town was set on fire and destroyed.

The provincials on Bunker's Hill, secure within their intrenchments, reserved their fire till the troops approached within a short distance: they then opened so tremendous and continued a discharge of musketry, that the British line twice recoiled, and was with difficulty rallied. The officers were peculiarly aimed at by the riflemen, and General Howe was for some seconds left nearly alone, almost all those who were near his person being killed or wounded. At this crisis General Clinton, from the opposite point at Boston, discerning the moment in which he could render effectual assistance, volunteered his services, and having passed the water with a detachment, rallied the troops, and by a happy manœuvre brought them back to the charge. The British soldiers stung with shame, and animated

by the appearance of a reinforcement, attacked with fixed bayonets, and with irresistible impetuosity drove the Americans from their works; they fled with precipitation, but as no pursuit was ordered, they did not suffer much in their flight. Of the British troops, two hundred and twenty-six were killed, and eight hundred and twenty-eight wounded. The Americans, by their own accounts, had three hundred and four wounded, and one hundred and forty-five slain, among the most lamented of whom was Dr. Warren, a physician and general in their army, who fell commanding in the redoubt, and whose talents and virtues were highly extolled.

Bravery of the troops.

The bravery and discipline of the British troops shone on this occasion with conspicuous lustre; they performed the dangerous exploit of driving before them an enemy amounting to three times their number, strongly posted and covered by a breast-work [k], under a scorching sun, and incumbered with three days' provision: their progress was up an ascent, covered with grass, reaching to their knees, and intersected with the walls and fences of various inclosures.

Observations on the action.

The conduct of the attack has been exposed to considerable censure: the whole object of the expedition might, it is said, have been accomplished without possibility of loss; a floating battery or armed vessels, placed in the Mystic river, opposite Charlestown Neck, would have not only prevented the sending reinforcements to the provincial troops, but might also have effectually cut off their retreat, without risk to the British forces. It is also observed, that nearly at the same place, and at no great distance from the spot where the British troops landed in the front of the enemy, they should have disembarked to attack the rear of the provincial army, where there was no intrenchment; and thus, beside avoiding the difficul-

[k] The Americans asserted, they had only fifteen hundred men engaged. See the account of the provincial congress of Massachuset's Bay. Remembrancer, vol. i. p. 284. Ramsay's History of the Revolution, vol. i. p. 203.

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ties and impediments they were obliged to encounter, they would have rendered the breast-work of the Americans useless; their whole detachment would have been inclosed in the peninsula, and must have surrendered at discretion, or been reduced to the desperate extremity of attempting to cut through the British line, while they sustained the fire of the floating batteries and armed vessels. It is mentioned as another error in conduct, that the attack was extended to the enemy's whole front, instead of being confined to their left wing, which was covered only by a breast-work of rails and hay, easily to be surmounted, and opening to a hill commanding their redoubt and lines. The unmilitary and unnecessary load under which the troops advanced, exhausted their strength and depressed their spirits, and during the engagement, a supply of ball, sent from Boston, was of dimensions too large for the field-pieces; an inadvertency which rendered the artillery useless.[1]

Unimportant results.

As the British troops did not pursue the enemy, the advantages of this bloody contest were confined to the occupation of Bunker's Hill, where they fortified themselves, and thus gained an addition of space for quarters, but incumbered with a double garrison duty. The Americans raised works on another hill, fortified them with strong redoubts, and advanced them close to the fortifications on Boston Neck.

Proceedings of congress.

Meanwhile the congress proceeded with vigour and diligence, and with a wary determination to convert every rising occurrence to the utmost advantage, in forwarding their ultimate views, without disclosing them too amply, or alarming those who were not prepared to adopt their principles in their utmost extent. A few days after the meeting of congress, Peyton Randolph, their president, retired; his situation was conferred on John Hancock, the person who was afterward excluded from pardon by General Gage's proclam-

[1] See the History published under the name of Stedman, vol. i. p. 128. It is to be observed, however, that the author of this work always shews a strong disposition to censure General Howe.

ation; and the province of Georgia adding itself to the general confederacy, all the British colonies in America were included in the representative body. CHAP. XXVI. 1775.

Their greatest care was to establish a military force, and their unanimous election of a commander in chief fell on George Washington, esq. a person of good education, respectable character and abilities, and ample fortune. He was in the forty-fourth year of his age, and had served in 1753 and 1754, both in negotiation and in arms[m]. Since the peace he had resided on his estate, till returned as a delegate to congress, in 1774. He accepted the command of the army, and returned thanks in a short, modest speech, expressing distrust of his abilities and military experience, and claiming the lenient consideration of congress on his conduct. He declined pecuniary remuneration; leaving it to the generosity of his country to refund his expences. Congress immediately resolved "that they would maintain, assist, and adhere to him, with their lives and fortunes in the cause of American liberty;" he was instructed to destroy or make prisoners, all who should appear in arms against the *good people* of the colonies, and invested with a general power to dispose of the army as might be most advantageous in obtaining the end for which it had been raised, making it his special care, that the liberties of America should receive no detriment.

12th July. Georgia accedes.

15th June. Washington appointed commander in chief.

In his progress to the camp, the new general received homage from the congresses and public bodies of the different colonies, and was hailed by the army with the most lively exultation.

His reception in the camp. 3d July.

Pursuant to the form of last year's proceeding, the congress drew up various justificatory addresses and appeals to the people.

One was intitled, "A Declaration of Congress, setting forth the causes and necessity of taking up arms." It was written in a bold, declamatory style,

[m] See Smollet's Continuation of Hume, vol. iii. p. 377. 420. and the memoirs of General Washington, published by Judge Marshall, Dr. Bancroft, and Dr. Ramsay.

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1775. 6th July. Declaration of congress.

accused the British government of "an intemperate rage for unlimited domination, and of designating the colonies to all the easy emoluments of statute plunder." American loyalty and liberality were highly vaunted; and the assertion of Lord Chatham, that the revenue derived from the provinces, had enabled him to defeat the enemies of Britain, was triumphantly quoted. They censured all the acts of the present reign, particularly the declaratory act, against which, while unrepresented, they had no defence. The proceedings of the late session, from the King's speech to the recess, were reprobated, not however without many compliments to the opposition, and to the petitioning cities and towns. The affair at Lexington was represented in the most unfavourable view; General Gage's subsequent conduct stated in the blackest colours; and his proclamation censured as replete with falsehoods and calumnies against the *good people* of America. "In brief," they said, "a part of these colonies now feels, and all are sure of feeling, as far as the vengeance of administration can inflict them, the complicated calamities of fire, sword, and famine. We are reduced to the alternative of unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Our cause is just; our union perfect; our internal resources great; and, if necessary, foreign assistance is undoubtedly attainable. The arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties, being, with one mind, resolved to die freemen rather than live slaves." Finally, they abjured every intention to dissolve the union with the mother-country; nor had they excited any other nation to declare war in their behalf. Their armies were not raised with the ambitious design of separating from

Great Britain, or establishing independent states; they fought for neither glory nor conquest. The mother-country, on the contrary, boasting of her privileges and civilization, proffered no milder conditions than servitude or death. "In our own native land, in defence of the freedom that is our birth-right, and which was ever enjoyed, till the late violation of it; for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves; against violence actually offered, we have taken up arms. We will lay them down when hostilities shall cease on the part of the aggressors; and all danger of their being renewed shall be removed, and not before."

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This manifesto was read by General Washington to his troops, and received with enthusiastic acclamations. He found, however, no motive for exultation, nor any ground for hope. The late action at Bunker's Hill inspired with much greater spirits those who related and reasoned on it, than those who were personally engaged, or viewed its progress. A large number of troops was collected, but they had none of the conveniences which are necessary for the comfort of regular armies. Instead of tents, they had a scanty supply of sails, which the suspension of commerce had rendered useless. They came to camp in their ordinary working dresses, and had therefore no uniforms; a deficiency which was afterwards supplied by the use of the hunting-shirt. For want of commissaries and quarter-masters, their supplies were insufficient and irregular: individuals brought provisions to the camp on their own horses; some received necessaries from committees of supply, but without system or economy: the Connecticut troops, who had proper officers, were alone tolerably well provided with food [n]. General Washington complained loudly and repeatedly of his numerous wants and deficiencies to the congress. "We have no store of ammunition," he said,

State of the army.

[n] Ramsay's History of the Revolution, vol. i. p. 222.

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"no tools for intrenching, nor engineers to direct the construction of military works; we have no money, and want clothing; there is a total laxity of discipline, and the majority not to be depended on in the event of another action[a]."

Inertness of the British army.

That this event did not take place is matter of considerable surprize, as the British commander was not unacquainted with the distressed state of the adverse army: he was even apprized by a deserter that they had not more than nine rounds of powder a man; but treated the information as an invention, fabricated to lure him into some impracticable enterprize. The British army was intrenched on Bunker's Hill, having three floating batteries in Mystic river, and a twenty-gun ship below the ferry, between Boston and Charlestown. They had also a battery on Cop's Hill, Boston, and were strongly fortified on the Neck. The Americans were intrenched at Winter Hill, Prospect Hill, and Roxbury, communicating with one another by small posts, over a distance of ten miles. Parties were also stationed in several towns along the sea-coast. Thus both armies continued restrained by mutual fear of attack, and the year wasted without any transaction of greater importance than the burning of a light-house in Boston harbour, the surprize of a guard by the Americans, and some slight skirmishes between detached parties, instigated by attempts to obtain by force those fresh provisions which, in obedience to congress, were tenaciously withheld.

Address of congress to the legislature of Jamaica.

Beside their manifesto, congress voted an address to the house of assembly in Jamaica, vindicating their late proceedings, and demanding their good wishes as friends to liberty and mankind. They issued several other addresses, which will be noticed in subsequent pages: and finally, taking into consideration Lord North's conciliatory propositions, recapitulated against them most of the objections made in parlia-

31st July. They reject the conciliatory propositions.

[a] General Washington's Official Letters, vol. i. p. 2 to 9, et passim.

ment, and declared, that nothing but their own exertions could defeat the ministerial sentence, of death or abject submission.[p]

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26th May. Expedition against Canada undertaken.

One of the earliest measures of congress was an address to the people, or as they termed them, "the oppressed inhabitants" of Canada. This province, surrounded by rivers and lakes, and stretching from Nova Scotia in an oblong direction, almost to the southern extremity of Pennsylvania, presented many facilities for invasion, and promised to be an important acquisition. Before the affair of Lexington, some individuals of Connecticut formed a project for obtaining possession of Ticonderoga, situated at the north end of Lake George, and Crown Point, near the southern extremity of Lake Champlain; these forts were the gates to that quarter of Canada. They procured a loan of eighteen hundred dollars of the public money, and having raised two hundred and seventy men of a hardy race, known by the name of Green Mountain Boys, proceeded to Bennington, and placed themselves under the command of a partizan named Ethan Allen. They were unexpectedly joined by Colonel Arnold, who, after the battle of Lexington, received from the Massachuset's congress a commission to raise four hundred men for the capture of Ticonderoga. He agreed to act under Allen, and they immediately proceeded to Lake Champlain, which they crossed with eighty-three men, surprised Captain de la Place, commander of Ticonderoga, in bed, and summoned him to surrender, "in the name of the great Jehovah, and the continental congress." The fort, with its valuable stores[q], was captured without resist-

10th May. Capture of Ticonderoga.

[p] See Almon's Remembrancer, 1775, v. i. p. 274.

[q] The stores taken at Ticonderoga were between 112 and 120 iron cannon, from 6 to 24 pounders; 50 swivels of different sizes, 2 ten-inch mortars, 1 howitzer, 1 coehorn, 10 tons of musquet balls, 3 cart-loads of flints, 30 new carriages, a considerable quantity of shells, a warehouse full of materials to carry on boat building, 100 stand of small arms, 10 casks of very indifferent powder, 2 brass cannons, 30 barrels of flour, and 18 barrels of pork. The prisoners were a captain, 1 gunner, 3 serjeants, and 44 rank and file, besides women and children.—Captain de la Place was not brought to a court-martial, but suffered to sell out.

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1775. CrownPoint. Skenesborough;

and the sloop Enterprize.

ance; Crown Point, which, through neglect, had neither guard nor garrison, surrendered; Skenesborough, a valuable and prosperous iron work and village, was surprised by Allen, and Major Skene, the proprietor, with his son, and negroes, taken prisoners; while Colonel Arnold, with great spirit and ability, secured the entire command of Lake Champlain, by seizing the sloop Enterprize, the only vessel of the royal navy, in those parts.

Dissimulation of congress.

The intelligence of these successes was the first which greeted the continental congress. They were, however, apprehensive of appearing to court active hostilities and change the nature of the war, and therefore all publications in their interest treated the affair as the spirited enterprize of individuals not sanctioned, though not censured; and congress recommended to the committees of the cities and counties of New York and Albany, to cause the cannon and stores to be removed from Ticonderoga to the south end of Lake George, and to take an exact inventory of them, that they might be safely returned when the restoration of harmony between Great Britain and the colonies, so ardently desired by the latter, should render it prudent and consistent with the over-ruling law of self-preservation.

26th May. Their address to the people of Canada.

In their address, the congress spoke a bolder language, declaimed in terms of pity on the abject state to which the Canadians were reduced, on the arrival of that day in which the sun could not shine on a single freeman in all their extensive dominion. By the introduction of the present form of government, or rather form of tyranny, the Canadians with their wives and children were made slaves, subject to be deprived of the fruits of their industry, to be transported into foreign countries, to fight battles in which they had no interest, to spill their blood in conflicts from which neither honour nor emolument could be derived; and to witness the expulsion, banishment and ruin of their priests, whenever a sufficient temptation was furnished.

The chief object of the address, beside instilling these principles, and a resolution to live free, or not at all, was to conciliate the people to the late captures, and deprecate hostile opposition.

13th June. Application of Arnold.

Animated by his late successes, and urged by his spirit of enterprize, Colonel Arnold solicited from congress a reinforcement for the invasion of Canada, and promised, with two thousand men, to reduce the whole province. He was encouraged in these hopes by the feeble state of the British force, which did not exceed eight hundred men.

Exertions of General Carleton.

The deficiency, in this respect, is ascribed to the too sanguine reliance of the governor, General Carleton, on his influence, and the power of the clergy over the inhabitants. In the abundance of his confidence he assured General Gage in the preceding year, that a corporal's command was sufficient for the protection of the province [r]. On the reduction of Ticonderoga and Crown Point, he ordered his small force to St. John's fort, which was prudently strengthened with two redoubts. He tried, without success, the influence over the natives on which he had so firmly depended; and proclaimed martial law, in order to compel the inhabitants to arm; but although they declared themselves ready to defend their own province, they refused to march beyond its limits [s]. General Gage, however, dispatched Brigadier-general Prescott, and two officers of inferior rank, with two ships, to Montreal, and about the same time Colonel Guy Johnson arrived with seven hundred warriors of the Five Nations: they proposed the recapture of the forts, which were weakly garrisoned, but General Carleton refused to sanction the attempt.

July.

Representations of congress.

Congress took advantage of these exertions to assert that General Carleton meditated an invasion of their north-western frontier; they studiously inculcated this opinion, as a justification of their conduct

[r] Stedman, vol. i. p. 132. [s] Ramsay, vol. i. p. 228.

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in invading the King's dominions; and such was their success, that a plan, which in the beginning of the year was deemed violent and dangerous, was now encouraged by general approbation.

September, Invasion of Canada.

6th Sept. 10th. St. John's.

Generals Schuyler and Montgomery, at the head of three thousand men, proceeded to Lake Champlain, took possession of Isle aux Noix, and attacked St. John's, the first British post in Canada, distant about 115 miles to the northward of Ticonderoga: the picquets were driven in, but the invaders were repulsed and obliged to return to Aux Noix.

Address to the people.

The generals now published a conciliatory address to the Canadians, affirming, that the only views of congress were the restoration to them of those rights to which every subject of the British empire, whatever his religious sentiments, is intitled; and that in the execution of these trusts they had received positive orders to cherish every Canadian, and every friend to the cause of liberty, and sacredly to guard their property. They also succeeded in detaching the Indians from the British cause, which was easily effected, as these savages were dissatisfied with the governor's rejection of their services. General Schuyler was obliged by ill health to retire to Ticonderoga, and

Siege of St. John's.

General Montgomery, having taken precautions for a retreat to Aux Noix, formally besieged St. John's.

Chamblée captured.

From the lightness of their artillery, and the insufficiency of ammunition, the Americans made little progress, till the surrender of Fort Chamblée, distant about five miles. It was besieged by a lieutenant-colonel, at the head of three hundred men, and surrendered after fifteen days, although

3d Nov.

amply provided with means of defence, and no practicable breach made in the walls. This conquest was rendered highly important from the quantity of ammunition and military stores which the commandant neglected to destroy.

St. John's capitulates.

Before they obtained this timely succour, the Americans were reduced to their last round of

shot, and must soon have been obliged to abandon Canada. They now pressed the siege of St. John's with increasing vigour, and, from a deficiency in provisions and ammunition, and the failure of an attempt made by Colonel Maclean to afford relief, the garrison was obliged to capitulate.

25th Sep.. Ethan Allen taken prisoner.

An attempt had been already made by Ethan Allen, at the head of a hundred and fifty men, to capture Montreal, but he was defeated by a small party of the twenty-sixth regiment, aided by some natives, and taken prisoner[t]. Montreal was however unprotected, and General Carleton, after the capture of St. John's, evacuated the town: the inhabitants applying to General Montgomery for terms of capitulation, he answered, they could not expect such a concession, as they were without means of defence, but promised the free enjoyment of their religion and property. Here the Americans found many European necessaries and luxuries, which the regulations of congress had prevented their obtaining in their native provinces, and General Montgomery directed the construction of flat-bottomed boats preparatory to the siege of Quebec.

Nov. Montreal evacuated.

Expedition through the wilderness. 13th Sept.

The safety of that city was menaced by a most daring and difficult enterprize. Colonel Arnold, on a plan of his own suggesting, was dispatched by General Washington, with fifteen hundred men, to penetrate into Canada, by ascending the Kennebeck, and descending by the Chaundiere to the river St. Lawrence. On their arrival at the Kennebeck, they commenced the arduous toil of working up a river encumbered with rocks and shoals, against an impetuous current; and they were often compelled by cataracts and other impediments to land and drag their batteaux up rapid streams or over falls. Their progress by land was not more exempt from difficulty and danger; thick woods,

20th.

[t] By Governor Carleton's order, Allen and his fellow prisoners were sent in irons on board a man of war, and conveyed to England: he was however remanded to America, and afterward served in the provincial army with the rank of colonel.

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deep swamps, and precipitous mountains, alternately impeded their march. Sometimes they were obliged to cut their way through forests so embarrassed that their progress did not exceed four or five miles a day; their provisions were reduced; scarcity and fatigue introduced sickness and desertion; the original troop was diminished by one-third; they devoured their dogs, their cartouch boxes and every article of leather about their accoutrements and clothing; when a hundred miles from any habitation, they divided their last store, which afforded four pints of flour for each man, and while they were yet thirty miles distant from the probability of succour, their last morsel of bread was eaten. Finally, they surmounted every difficulty, and the Canadians with amazement beheld this squalid band emerge from a wilderness which they considered it impossible for human perseverance to penetrate. Conciliated by the behaviour of the invaders, and re-assured by a manifesto which they published by General Washington's direction, the inhabitants treated them with hospitality, and were prepared, if not to assist in their enterprize, at least to regard it without malevolence or alarm.[u]

3d Nov.

5th Nov. Maclean defends Quebec.

Colonel Maclean, who still remained at the confluence of the rivers Sorrel and St. Lawrence, ignorant of the surrender of St. John's, and expecting to be joined by General Carleton from Montreal, was fortunately apprized of Colonel Arnold's arrival, and of his encampment at Point Levy, opposite Quebec.

13th.

Colonel Maclean instantly threw himself into the city, and by his judicious measures prevented the effect of that consternation which would have rendered it an easy prey, could the American chief have procured immediate means of passing the river.[w]

14th. Arnold repulsed.

Uninformed of this seasonable succour, Colonel Arnold made an attack on the gate of St. Louis, but was repulsed with considerable loss; and the inhabitants

[u] Stedman, Andrews, Ramsay, Washington's Official Letters, vol. i. p. 52.
[w] Washington's Letters, vol. i. p. 39. 41.

of the city being cordially united in defence of their property, and reinforced by sailors from the ships, he became alarmed for his own safety, and withdrew to Point aux Trembles, twenty miles from the capital. General Carleton, who had been actively employed in collecting a force to oppose Montgomery, on learning the danger of Quebec, passed in the disguise of a fisherman through the enemy's craft, and took vigorous measures for confirming and extending the efforts of Colonel Maclean, of which he expressed decided approbation: he armed the inhabitants, and expelled from the city all who were not willing to co-operate in its defence.

20th. Exertions of Carleton.

During this interval, General Montgomery had been actively employed in turning to advantage the effects of his success, he was indefatigable in recruiting the strength and spirits of his followers; and acquired considerable ascendancy over the lower class of natives, who were easily seduced to sympathize with colonists like themselves, struggling, as they supposed, for liberty. The clergy were, however, active and resolute in opposing the new doctrines; their influence was considerable, and they extended it by refusing absolution to such as abetted the invaders. The nobles, dissatisfied with the state of the province, and without cordial attachment to the British government or to its opponents, supported neither party [x]. Montgomery with great address avoided giving offence even to the clergy; he raised a regiment of Canadians, which he placed under the command of James Livingston, a native of New York: his expresses were permitted to pass in every direction unmolested, and individuals were induced to

Judicious proceedings of Montgomery.

[x] Gibbon, with his usual force and perspicuity, adverts to these circumstances, in a letter to Colonel Holroyd, (Lord Sheffield,) dated 14th Nov. 1775. He says, "We are not quite easy about Canada; and even if it should be safe from an attack, we cannot flatter ourselves with the expectation of bringing down that martial people on the back settlements. The priests are ours; the gentlemen very prudently wait the event, and are disposed to join the stronger party; but the same lawless spirit and impatience of government which have infected our colonies, are gone forth among the Canadian peasants, over whom, since the conquest, the noblesse have lost much of their ancient influence." Posthumous Works, vol. i. p. 495.

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subscribe liberally in specie for the support of his troops.

1775. 1st Dec. Joins in besieging Quebec.

This brave and judicious officer, having effected a junction with Colonel Arnold at Point aux Trembles, summoned Quebec, and on the rejection of all overtures, commenced a bombardment with five small mortars, and opened a battery of six guns at seven hundred yards distance from the walls.

State of the American army.

An attack so feeble, and of such light metal, was not calculated to make a sensible impression, and the besieging army was not prepared for the delays and misfortunes of protracted operations. Success appeared improbable, and retreat disgraceful: the British empire in Canada was reduced to the single city of Quebec: the fame of former exploits had inspired exaggerated hopes in America, and disappointment threatened fatal results to the common cause. Yet the difficulties were daily augmenting; dissensions arose between Colonel Arnold and his officers, destructive of subordination; the provincial corps were inflamed with a spirit of mutual animosity, and with difficulty induced to pay obedience to superior officers not belonging to their own colony: their numbers were insufficient for proper reliefs in their daily toils; and as the expiration of their military engagements approached, the general was apprehensive that many would quit the service. The severity of a Canadian winter was already felt; the troops had no effectual protection against its rigours; their cash was nearly expended; the congress paper had no circulation in Canada; and the natives began to show their fickleness, by a total disregard of the invaders.

31st December. Assault of the city.

In this situation, General Montgomery adopted the daring resolution of trying the fortune of an escalade. Two feints were made at Cape Diamond and St. John's gate, and two determined attacks separately led by Montgomery and Arnold under Cape Diamond, by Drummond's wharf and the Potash. The whole proceeding on the part of the besiegers betrays

rashness and confusion: the signals of attack were given before the troops were in a due state of preparation; hence the feints were detected in sufficient time to enable the British general to concentrate his forces at the real points of assault.

Montgomery killed.

General Montgomery, at the head of nine hundred men, advanced, with undaunted intrepidity, along a defile, upon a narrow path, between two fires, with a precipice to the river on one side, and a hanging rock over head. His approach was awaited with calmness and resolution, and when he was within fifty yards of the point of attack, a tremendous discharge of grape-shot put an end to his hopes, and his life. His followers, undismayed, returned to the charge; but convinced, by repeated repulses, that ultimate success was unattainable, sought safety by retreat.

Arnold wounded.

Colonel Arnold made his attack with seven hundred men at the Saut des Matelots, and dispersed the Canadian guard; he received a wound in the leg, and was obliged to retire; but his party was advancing with prospects of success: they took the first and second barriers after an obstinate resistance, and against the third a ladder was already placed to convey them into the town, when they were encountered by the combined force of the garrison, which, after the defeat of General Montgomery's division, united against them. Yielding to superior numbers, they attempted a retreat in vain, and were obliged to surrender themselves prisoners.

His division taken prisoners.

Siege converted to a blockade.

The English sustained but inconsiderable loss; the Americans, in killed, wounded, and prisoners, were deprived of half their men; yet Colonel Arnold did not abandon the province; he encamped on the heights of Abraham, where, by obstructing the supplies, he changed the siege to a blockade. The horrors of war were, however, softened by mutual acts of civility: the prisoners were treated with kindness, and the wounded received ample relief.

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Eulogies of Montgomery.

The name of General Montgomery was mentioned with respect by his most determined opponents: the Americans deplored his fate with all the warmth of patriotic attachment, and the animation excited by the circumstances of his fall; and those in England who participated in the sentiments of the Americans, spoke of him in terms not only expressive of their sense of his merits, but incompatible with an attachment to the cause of their country. [y]

In tracing the progress of those discontents which united all America in one common cause, and combined thirteen discordant and rival governments in one general legislation, it is necessary to describe the most important transactions in various colonies, till all difference of conduct had ceased.

Transactions in Virginia.

Virginia had been conspicuous in the course of the American disturbances, and its councils seemed entirely influenced by popular demagogues, among the most conspicuous of whom was Patrick Henry [y]. Lord Dunmore, the governor, had, in the early part of his government, been highly popular, but was now the object of disgust, from his efforts to maintain the royal authority, and from the publication of his correspondence with Lord Dartmouth, which was laid before parliament. In these dispatches, he had, with greater freedom than was acceptable to those over whom he presided, analyzed their views in impeding the course of justice, and examined their means of giving permanence to their present engagements without reserve. He imputed to them motives of extreme baseness, and insidious duplicity of conduct. Wisdom should have prevented the full communica-

[y] See Parliamentary Register, vol. iii. 402. — General Montgomery was of a respectable family in the North of Ireland; he was educated at school, and the University in Dublin; he had served with reputation in America during the preceding war, and had attained the rank of captain in the 17th regiment of foot; he quitted the service in disgust, and married a lady of ▪ considerable family in the province of New York; he had been beloved and esteemed through life.

▪ See chapter ix.

tion of these letters to parliament; but in such communications, ministers are rarely able to guard, with sufficient jealousy, against indiscreet exposures, without reducing the information afforded to a mere nullity.[a]

Contest of the people with the governor. 20th April.

The planters assailed Lord Dunmore with invective, and insinuated, that he had formed a conspiracy to murder Mr. Randolph, the speaker of the assembly. As the people of Virginia had formed a convention, elected deputies to congress, and were, like other colonies, training a militia to oppose the British government, Lord Dunmore removed part of the powder from the magazine at Williamsburg, and placed it on board a ship of war, to which he averred it belonged. A military force immediately assembled under Patrick Henry, and a negotiation was finally arranged, by which a sum of money was obtained from the public treasury, as a compensation for the powder. The violence of these proceedings induced his lordship to remove his lady and family on board the Fowey man of war, to fortify his palace, and sur-

[a] See Lord Dunmore's letters to Lord Dartmouth, Parliamentary Register, 1774-5, vol. i. pp. 85. 185. The following passages were peculiarly offensive: "There is not a justice of peace in Virginia that acts, except as a committee-man: the abolishing the courts of justice was the first step taken, in which the men of fortune and pre-eminence joined equally with the lowest and meanest. The general court of judicature of the colony is much in the same predicament; for though there are at least a majority of his majesty's council, who, with myself, are the judges of that court, and would steadily perform their duty, yet the lawyers have absolutely refused to attend, nor indeed would the people allow them to attend, or evidences to appear. The true cause of so many persons joining in so opprobrious a measure, was to engage their English creditors, who are numerous, to join the clamours of this country; and not a few to avoid paying the debts in which many of the principal people here are much involved. Every step which has been taken by these infatuated people must inevitably defeat its own purpose. Their non-importation, non-exportation, &c. cannot fail, in a short time, to produce a scarcity, which will ruin thousands of families: the people, indeed, of fortune supply themselves and their negroes for two or three years, but the middling and poorer sort, who live from hand to mouth, have not the means of doing so, and the produce of their lands will not purchase those necessaries (without which themselves and negroes starve) of the merchants who may have goods to dispose of, because the merchants are prevented from turning such produce to any account. As to manufacturing for themselves, the people of Virginia are very far from being naturally industrious; and it is not by taking away the principal, if not the only encouragement to industry, that it can be excited; nor is it in times of anarchy and confusion that the foundation of such improvements can be laid. The lower class of people too well discover that they have been duped by the richer sort, who, for their part, elude the whole effects of the association by which their poor neighbours perish."

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round it with artillery. He also issued a proclamation, charging Patrick Henry and his followers with rebellious practices, and accusing them of a design to change the form of government; meetings were held in all parts of the province, and the public mind was inflamed by invective, accusation, and recrimination.

1st June. Lord North's propositions rejected.

Such was the state of the colony when the general assembly was convened for the purpose of debating on Lord North's conciliatory propositions. The governor recommended them to consideration, in a temperate and judicious speech, and they were acceded

14th.

to by the council. The assembly returned a long address, denying the right of the British parliament to intermeddle with the support of civil government in the colonies, refusing to incur a perpetual tax, adequate to the expectations, and subject to the disposition of parliament alone, and claiming as a right, a free trade to the whole globe. They referred the final decision to the general congress, and committed their injuries to the even-handed justice of that Being who doth no wrong.

Lord Dunmore retires on board a man of war. 8th June.

Before the receipt of this address, several messages had passed, relative to the state of the magazine and the removal of military stores; and the public fermentation was so excessive, that his lordship thought it necessary for his safety to join his relatives on board the Fowey. The immediate motive of this measure was an intimation of an intention to assassinate him and his whole family; but this, it is said, was a mere contrivance of the popular leaders, to embarrass government by his absence.

Assembly adjourned.

A series of messages ensued, in which the assembly assured Lord Dunmore of personal safety and respect, if he would return to Williamsburg; a measure which he resolutely declined, but offered to transact all public business on board the Fowey, or to return on shore, if the legislature would remove their sittings to York, about twelve miles distant from the capital. This proposal was indignantly re-

jected by the assembly, and his lordship's message voted a high breach of privilege; they declared their apprehensions of a dangerous attack on the unhappy people of the colony, and that it was their duty to prepare for the preservation of their property, and their inestimable rights and liberties: they made general professions of loyalty to the King, and then adjourned; a provincial convention of delegates was immediately convened, and the royal government entirely superseded.

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18th June. Convention of delegates.

When the popular commotions had in some degree subsided, Lord Dunmore, accompanied by several officers of the Fowey, ventured on shore, at his plantation on the banks of York river, about two miles from Williamsburg. In a short time, however, he received notice, that a party of riflemen were approaching to seize his person; he regained his boat with precipitation, and was fired at in his retreat, though without sustaining any injury.

Lord Dunmore assaulted.

Convinced that moderate measures would be productive of no beneficial effects, he sent his lady and family to England, repaired to the town of Norfolk, situated at the mouth of Chesapeak Bay, and collected a small naval force for the purpose of acting hostilely against Virginia. His resources were extremely inadequate to his enterprize; a predatory war was for some time carried on; the colonists destroyed the houses near the coast, and drove away the cattle; and he was foiled in an attempt to burn the town of Hampton. He then issued a proclamation, declaring the law insufficient for the punishment of traitors, and therefore establishing martial law, and requiring all persons capable of bearing arms to join the royal standard; and all indented servants and slaves belonging to rebels, and obeying this invitation, were declared free.

He carries on a predatory war.

25th Oct.

7th Nov. Proclaims martial law.

Emancipates slaves.

In such a colony as Virginia, this measure might have produced an extensive and tremendous effect, had it been resorted to at an earlier period of the

Effects of this measure.

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dispute, but six months having elapsed since Lord Dunmore first threatened its adoption, the negroes had ceased to believe and the planters to fear; it produced no surprise; the country was in a state of defence, and the royal authority so much reduced, as to render the governor's protection problematical. The fury of the colonists was increased to frenzy, and their union cemented by a proceeding which rendered accommodation impossible. Lord Dunmore gained an accession of some hundred adherents, white and black; but they came only from the vicinity where he was established; in all other parts of the province, the certainty of being intercepted prevented their attempting to join him.

Royal standard erected at Norfolk.

He erected the royal standard at Norfolk, and many of the inhabitants, to preserve their slaves, abjured the congress. Fearful of an extension of his influence, the insurgents detached about a thousand men from the western side of Virginia, who intrenched themselves opposite to the governor, on the other side of the river Elizabeth, near a village called the Great Bridge, expecting to oblige the royalists to abandon their post. Before they had been many days in this position, Lord Dunmore, deceived perhaps by false reports contrived for the purpose, ordered Captain Fordyce, with a detachment of a hundred and twenty men, to dislodge the enemy. This project was pursued with equal boldness and caution, but the provincials were prepared; and, as he proceeded along a causeway skirted by a thicket, near the intrenchments, Fordyce was at once assailed with a heavy fire from the thicket and the works. He fell within a few feet of the breast-work, and his party, seeing the enterprize impracticable, were obliged to retreat, with the loss of thirty killed and wounded.

Dec.

9th Dec. Failure at the Great Bridge.

Town of Norfolk burned.

In consequence of this failure, the governor was again obliged to retire on board ship, attended by the liberated slaves and the loyal inhabitants, whose num-

1775. 1st Jan. 1776.

bers now became seriously injurious, by consuming the provision, and crouding the vessels. The Americans had taken possession of Norfolk, and as their riflemen prevented Lord Dunmore from obtaining supplies, he set fire to the wharfs where they principally annoyed him, and the whole town of Norfolk, one of the most flourishing on the shores of the Chesapeak, containing eight thousand inhabitants, was burnt to the ground. The efforts of the enemy were still successful in impeding supplies; distress daily increased; sickness prevailed, particularly among the negroes; and, finally, Lord Dunmore, after sending the slaves to Florida, Bermuda, and the West Indies, quitted for ever the shores of Virginia and joined the British army under General Howe.

Lord Dunmore abandons the colony.

It was justly considered essential to the existence of the British power in America, that possession of Virginia should be retained[b], and every effort was made for that purpose. One of the most important was a project communicated by Mr. Connelly, a native of Pennsylvania, to Lord Dunmore, and approved by General Gage, for attacking Virginia and the other southern colonies on their back and inland parts, where the people were known to be strongly attached to the British government. The garrisons at Detroit, and some other remote posts, with their artillery and ammunition, were to have assisted; and hopes were entertained of engaging the Canadians and Indians in the cause. Connelly, who had received a commission as colonel commandant, prosecuted his scheme with vigour and address, when he was betrayed by his confidential assistant[c], seized, loaded with irons, and sent to Philadelphia, where he was treated with extreme severity. His papers and plans were published, and the cause of congress was thus doubly served, by the frustration of the

Project of Connelly.

He is betrayed, and the enterprize frustrated.

[b] Washington's Official Letters, vol. i. p. 62. to 64.

[c] Washington's Official Letters, vol. i. pp. 42. 65. 82. 85.

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enterprize, and the opportunity of making the people believe that Providence interposed in their behalf.

Carolina.

In North Carolina, Mr. Martin was driven from the government by measures nearly similar to those practised against Lord Dunmore: he was accused of insulting the rights and liberties of the people, and instigating the negroes to insurrection. The governor's refutation of these charges was couched in language so forcible, that the provincial convention showed their indignation by ordering it to be burnt by the hands of the common hangman. A dispute afterward arose relative to some cannon, but the insurgents were awed by the vigorous and determined conduct of the governor. Still as their party was constantly augmenting, and the royal authority proportionately on the decline, Mr. Martin was ultimately obliged to retire on board a ship of war at Cape Fear.

1st June, 1775. The governor driven away.

South Carolina.

In South Carolina, similar disturbances produced similar effects; Lord Wm. Campbell was compelled, after attempting in vain to rally a royalist party, to seek security on ship board.

Ascendancy of congress.

The royal government was now reduced to a mere name, the congress, favoured by dissimulation, enterprise and accident, having acquired a decided ascendancy. Every circumstance, which, by the most strained construction could be rendered serviceable to their cause, was ostentatiously advanced; falsehood was often employed in recommending their own proceedings, and vilifying those of their opponents; and more frequently those perverse misrepresentations which are more inquitous than direct falsehood, as they enable those who are base enough to use them to triumph while undetected, and when their artifices are disclosed, to shelter themselves under the double sense of the word. The royalists acted feebly, and, in general, with integrity; they were often overpowered by violence, overawed by the clamours of multitudes, or teazed

into silence by repeated efforts of chicane. The southern colonies might have been kept in subjection by an inconsiderable military force; application was made to General Gage, from Sir James Wright, governor of Georgia; but intelligence having been given to some of the agents of congress, the messenger was way-laid, his letters seized, and another man forwarded with dispatches of a contrary tendency so nicely forged as to deceive the person to whom they were written.[d]

10th Oct. Gage recalled.

Toward the close of the year, General Gage was recalled, and the chief command devolved on Sir William Howe. The Massachusets and continental congresses granted letters of marque against British vessels, and they were unexpectedly successful in taking many laden with military and naval stores and provisions; captures no less beneficial to them than prejudicial to their opponents, who were obliged to draw all their subsistence at an immense expense from England. In the course of predatory hostilities, the town of Falmouth, in the northern part of Massachusets, was cannonaded by a single ship of sixteen guns, and utterly destroyed. Several sea-port towns were deserted; but far from showing a disposition to submit, congress resolved to oppose Great Britain by sea, and issued orders for building five vessels of thirty-two guns, five of twenty-eight, and three of twenty-four.

November, Americans issue letters of marque.

18th Oct. Falmouth destroyed.

General view.

On the whole, the transactions of the year 1775 were productive of the most unfortunate results to the British cause, and the most animating to the Americans. Measures which were relied on by the ministry as certain to operate by terror and coercion, were met with firmness, and evaded, or rolled back with address and dexterity: conciliatory propositions were rejected, and the Americans displayed a consummate proficiency in political intrigue,

[d] Ramsay, vol. i. p. 256.

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by appearing to retain sentiments of loyalty, while their conduct evidently indicated a determination to renounce all subjection to the mother-country. They contrived to advance with rapid steps in the path of revolt, yet to make Great Britain constantly appear the aggressor; and to retain the pretence of a pacific disposition, while they withstood every offer which had a tendency to terminate the subsisting differences. Their military operations were uniformly calculated to inspire confidence and animate enterprize: even the expedition into Canada, although not in every part fortunate, was prosecuted with so daring a spirit, and frustrated by the failure of so gallant an attempt, that the Americans felt more pride as sharers of the glory of Montgomery, than mortification in the disappointment, which only showed that they could not, without considerable exertion, wrest from Great Britain the chief conquest reserved as an indemnity for the toils and expenses of the late war.[c]

[c] For this chapter, beside the authorities quoted in support of particular passages, I have consulted the periodical publications; the histories of the American War, by Stedman and Ramsay; Morse's American Geography; and the Remembrancer: and I have been assisted by very respectable manuscript observations on them.

CHAPTER THE TWENTY-SEVENTH.

1775 — 1776.

Proceedings in the city of London. — Address to the King. — His answer. — Contest respecting the right of presenting petitions to the King on the throne. — Address of congress to the people of Great Britain — to the people of Ireland. — Proclamation against rebellion. — Petition of congress to the King. — Answer from the secretary of state. — Effects of the answer. — Popularity of the measures of government. — Transactions in parliament till the Christmas recess. — King's speech. — Opposition to the address in both houses. — Protest. — Debates on the employment of foreign troops in garrisons. — Bill of indemnity — Motion of censure — both rejected. — Bill for assembling the militia. — Estimates. — Motion by the Duke of Grafton. — Land tax fixed at four shillings in the pound. — Nova Scotia petition. — Debate on the petition of congress to the King. — Mr. Penn examined as a witness. — The Duke of Richmond's motion. — Burke's conciliatory bill — ably opposed by Governor Pownall — rejected. — Hartley's propositions — rejected. — Bill for prohibiting commercial intercourse with America — debated in the lords — passed. — Recess. — Changes in administration. — Lord George Germaine, secretary of state for America — his character. — Other changes. — Despondency of administration.

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1775. Proceedings in the city of London.

UNDER the mayoralty of Mr. Wilkes, the city of London seemed largely to participate in the sentiments which produced such alarming commotions in America. The majority of individuals was friendly to government; but an active and turbulent minority managed the proceedings of the city councils, which, by intrigue, were made to assume a factious appearance.

10th April. Address to the King.

In consequence of the acts of parliament relative to America, the Livery presented to the King an address, remonstrance, and petition, censuring all the late measures, not merely with plainness and freedom, but with acrimonious asperity. "Not deceived," they said, "by the specious artifice of calling despotism dignity, they plainly perceived a real design to establish arbi-

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trary power over all America; and considering the liberties of the whole inevitably connected with every part of an empire, founded on the common rights of mankind, they were alarmed at seeing the constitution violated in any part of the King's dominions." Numerous grievances, they said, had driven his Majesty's faithful subjects in America to despair, and compelled them to a resistance justified by the great principles of the constitution, in consequence of which, the crown was transferred from the popish and tyrannical race of Stuarts, to the illustrious and protestant house of Brunswick. Persuaded that these measures originated in the secret advice of men, enemies alike to his Majesty's title, and the liberties of the people; that the ministry carried them into execution by the same fatal corruption which had enabled them to wound the peace, and violate the constitution of the country; poisoning the fountain of public security, and rendering that body, which should be the guardian of liberty, a formidable instrument of arbitrary power; they prayed the King, as a first step toward a redress of grievances, which alarmed and affected the whole nation, to dismiss his ministers for ever; so should peace and commerce be restored, and confidence and affection be the supporters of the throne.

His answer.

The King's answer testified his astonishment that any of his subjects should encourage the rebellious disposition existing in America; relying, however, on the wisdom of parliament, the great council of the nation, he would steadily pursue the measures recommended by them for support of the constitutional rights, and protection of the commerce of Great Britain. The Lord Mayor was prevented from replying by an intimation from the Lord in waiting.

Message to the Lord Mayor. Wilkes's answer.

In a few days after this interview, the Earl of Hertford, Lord Chamberlain, signified to the Lord Mayor the King's determination not to receive, on the throne, any address, remonstrance, or petition, but from the body corporate. Mr. Wilkes eagerly seized

the opportunity thus afforded of raising a new contest. In a long letter, he insisted on the right of the city, "a right which even the accursed race of Stuarts had respected, to present petitions to the King on the throne; and hoped, that a privilege left uninvaded by every tyrant of the Tarquin race, would be sacredly preserved under a Prince of the house of Brunswick, whose family was chosen to protect the liberties of a free people, whom the Stuarts had endeavoured to enslave."

24th June. Proceeding of the common hall. Remonstrance voted.

At the first common hall, an address, remonstrance, and petition, in many respects an echo of the last, but rather exceeding it in violence, was approved; the ministry were described as men *avowedly* inimical to the principles on which the King possessed the crown; and the parliament as a body of whom the majority were notoriously bribed to betray their constituents and the country: the ministers were therefore to be dismissed, and the parliament dissolved. The correspondence between the Lord Mayor and Lord Hertford was entered on the city records, and the sheriffs instructed to inquire when the King would receive, *on the throne*, this address, presented by the Lord Mayor, the city members, the court of aldermen, sheriffs, and livery. The King having offered to receive it at the next levee, Mr. Plomer, one of the sheriffs, declared the resolution of the Livery, not to present it unless the King would receive it sitting on the throne. "I am ever ready," his Majesty rejoined, "to receive addresses and petitions, but I am the judge where." The substance of this conference was reported to the Livery, resolutions adopted, and conveyed to the King, asserting that his answer was a direct denial of the right of the court to have their petitions heard; that the remonstrance should be printed in the public papers, and the city members instructed to move for an impeachment of the evil counsellors who planted popery and arbitrary power in America, and were the advisers of a

28th June. The King refuses to receive it on the throne.

4th and 5th July. Further proceedings.

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measure so dangerous to his Majesty's happiness and the rights of the people, as that of refusing to hear their petitions. An address subsequently voted by the common council, couched in moderate and respectful terms, and praying the King to suspend operations of force against America, obtained a gracious reception, and a mild, though uncomplying answer.

7th.

14th.

Address of congress to the people of Great Britain. 8th July.

The American congress availed themselves of the disposition in the city of London to render their cause popular, and exerted their endeavours to obtain partizans in every part of the King's dominions, or at least to render as many as possible indifferent to the interests of government. They circulated a long, elaborate, and insidious address to the inhabitants of Great Britain, appealing at once to their pride, justice, and compassion; exculpating themselves, and endeavouring to alarm the jealousy of Englishmen for their constitutional rights, which would be no less endangered by success, than their prosperity would be impaired by a failure in hostilities. They justified their opposition to military force, by alleging that they were wantonly attacked; but although they repelled assaults and returned blows, yet they lamented the wounds they were obliged to inflict; nor had they learned to rejoice at a victory over Englishmen. They denied aspiring at independency, but declared they would only treat on such terms as would render accommodation lasting; calling God to witness that they would part with their property, endanger their lives, and sacrifice every thing but liberty, to redeem Great Britain from ruin.

28th. To the people of Ireland.

An address was also made to the people of Ireland, designed, from similarity of situation, to produce congeniality of sentiment. The measures of the reign were decried as indicating, that the genius of England and the spirit of wisdom had withdrawn from the British councils, and left the nation a prey to a race of ministers, with whom the ancient English honesty and benevolence disdained to dwell; from that period,

jealousy, discontent, oppression, and discord, had raged among all his Majesty's subjects, and filled every part of his dominions with distress and complaint. They deplored the necessity of renouncing their commercial connexion with Ireland, from whose parliament they had received no injury, and whose people had ever been friendly to the rights of mankind; but, on the other hand, the labours and manufactures of Ireland, like those of the silk-worm, were of little moment to herself, serving only to give luxury to those who neither toil nor spin; and should the resolutions of congress occasion much distress, the fertile regions of America would afford a safe asylum from poverty, and, in time, from oppression. In this address, reconciliation was mentioned as desirable, but independence was never disclaimed: on the contrary, congress anticipated the golden period when liberty, with all the gentle arts of peace and humanity, should establish her mild dominion in the western world, and erect eternal monuments to the memory of those virtuous patriots and martyrs who fought, bled, and suffered in her cause.

23d Aug. Proclamation against rebellion.

The progress of hostilities, and the appearance of an intercourse with the American leaders, induced government to issue a proclamation for suppressing rebellion, and preventing traitorous correspondence[a].

1st Sept.

At this juncture Richard Penn arrived from America with a petition from congress, and, accompanied by Arthur Lee, a resident agent, presented it to the King.

Petition of congress to the King.

This paper was drawn with great art, and comprised many appearances of a conciliatory disposition: could it have been examined apart, and unconnected with the transactions in America, which were sanctioned by congress, and their declarations to the people of Great Britain, Ireland, Canada, and Jamaica, it

[a] On the publication of this proclamation at the Royal Exchange, Wilkes showed his factiousness by causing it to be read by one of his officers, accompanied only by the common crier; they were not allowed horses, as usual on such occasions, nor was the mace permitted to be carried; the proclamation was received with a general hiss. Annual Register, 1775, p. 149.

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might have afforded hopes of an amicable adjustment. The King was addressed in respectful and endearing terms; and his magnanimity invoked to give the most favourable construction to the expressions of the petitioners. They solemnly assured him that they most ardently desired a restoration of harmony between the mother-country and her colonies, and the establishment of concord on so firm a basis, as to perpetuate its blessings, uninterrupted by future dissensions, to succeeding generations, and transmit his Majesty's name to posterity, adorned with the signal and lasting glory attending the memory of those illustrious personages, whose virtues and abilities have extricated states from dangerous convulsions, and by securing happiness to others, erected the most noble and durable monuments to their own fame. They therefore besought his Majesty to use his influence and authority in procuring them relief from their afflicting jealousies and fears, and to settle peace through every part of his dominions; with all humility submitting to his Majesty's consideration the expediency of directing some mode by which the united applications of his faithful colonists to the throne, in pursuance of their common councils, might be improved into a happy and permanent reconciliation[b]; and that, in the mean time, measures might be adopted for preventing further destruction of lives, and such statutes as more immediately distressed the colonies might be repealed. By arrangements for collecting the united sense of

[b] The explanation of this clause is given by Ramsay; History of the American Revolution, vol. i. p. 213. Congress meant, he says, that the mother-country should propose a plan for establishing, by compact, something like Magna Charta for the colonies. They did not aim at a total exemption from the controul of parliament, nor were they unwilling to contribute, in their own way, to the expences of government; but they feared the horrors of war less than submission to unlimited parliamentary supremacy. They wished for an amicable compact, in which doubtful, undefined points, should be ascertained, so as to secure that proportion of authority and liberty which would be for the general good of the whole empire. They fancied themselves in the condition of the barons at Runnymede; but with this difference, that in addition to opposing the King, they had also to oppose the parliament. This difference was more nominal than real, for in the latter case the King and parliament stood precisely in the same relation to the people of America, which subsisted in the former between the King and people of England. In both, popular leaders were contending with the sovereign for the privilege of subjects.

the American people, his Majesty would receive such satisfactory proofs of their disposition, that the wished-for opportunity would be soon restored, of evincing the sincerity of their professions, by every becoming testimony of devotion.

4th. Answer.

To this petition the Earl of Dartmouth, in the King's name, informed the agents of congress that no answer would be given.

Effect of the answer.

Immediate advantage was taken of this repulse to encourage the friends of congress; to fix the wavering, and give resolution to the timid. Such, in fact, must have been the view of the individual who framed[c], and the body who adopted the address: they knew that neither the King nor parliament could acknowledge them as a body legally constituted; nor could the ministry, after the late transactions, recede from the measures they thought proper to enforce, without an appeal to the people through their representatives. The congress, a body constituted in defiance of the King's commands, raising armies and levying taxes, for the express purpose of oppugning his authority and that of the British legislature, approached the throne with the exterior of respect; but without alleging any urgent occasion for their assembly, and holding themselves fully competent, not only to treat, but even to dictate terms; for the King was required, before the adoption of measures for facilitating a conference on the nature of grievances, to use his influence in obtaining a repeal of all statutes which distressed the colonies. It was not possible to discuss such a proposal with hopes of ultimate success, and, without such a motive, it would have been base and feeble to sanction the acts or petitions of a body, constituted as the congress was, glorying in the success of armed resistance, and demanding concessions without apology for the past, or reciprocal engagement for the future. The rejection of this artful petition being

[c] Mr. Dickinson, author of several celebrated political tracts. Ramsay's History of the American Revolution, vol. i. p. 213.

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doubtless anticipated, it fully answered the view of its authors; and less artifice than they possessed was necessary to make it appear, that hostile measures alone could satisfy the pride and rage of the British nation. Under these constructions, the rejected petition contributed to the union and perseverance of the colonies. "When pressed by the calamities of war," an American writer observes, "a doubt would sometimes arise in the minds of scrupulous persons, that they had been too hasty in their opposition to their protecting parent-state. To such it was usual to present the second petition of congress to the King, observing, that all the blood and guilt of the war must be charged on British, not on American councils." [d]

Popularity of the measures of government.

Although the subsequent events, and termination of the American contest, have afforded opportunities of repeating and enforcing the arguments used by the adherents of congress, they made, at the time, no considerable impression. The cause of the mother-country was generally popular, because considered just; the war was not dreaded; the American arms were rarely successful, except through our own mismanagement; and the nation reposed just confidence in the exertions of British valour. The ministry showed a due portion of spirit and perseverance; the large demands attending the beginning of warfare gave energy to commerce; and loyal addresses, unsolicited and unexpected, were sent from all parts of the kingdom. [e]

26th Oct. King's speech in parliament.

In his speech from the throne, the King amply detailed to parliament the state of America. Those who had too successfully laboured to inflame the people,

[d] Ramsay's History of the American Revolution, vol. i. p. 213. The author was connected by marriage with the family of the well-known Laurens, and was from 1782 to 1786 a member of congress.

[e] Gibbon states this fact in a letter to Mr. Holroyd (Lord Sheffield) dated 14th October 1775. He says, "Another thing will please and surprise, is the assurance which I received from a man, who might tell me a lie, but who could not be mistaken, that no arts or management whatsoever have been used to procure the addresses which fill the gazette, and that Lord North was as much surprized at the first that came up, as we could be at Sheffield.

by gross misrepresentations, now openly avowed their revolt, hostility, and rebellion. They had raised troops, and were collecting a naval force; they had seized the public revenue, and assumed to themselves legislative, executive, and judicial powers, which they exercised in the most arbitrary manner, over the persons and properties of their fellow-subjects; and although many might still retain their loyalty, and be too wise not to see the fatal consequence of this usurpation, and wish to resist it, yet the torrent of violence had been strong enough to compel their acquiescence till a sufficient force should appear for their support. The authors and promoters of this desperate conspiracy had derived great advantage from the difference of the King's intentions and their own. They meant only to amuse by vague expressions of attachment to the parent-state and protestations of loyalty, while preparing for a general revolt. On his part, though it was declared in the last session that a rebellion existed in the province of the Massachuset's Bay, yet even that province he wished rather to reclaim than subdue. The war was become more general, and was manifestly carried on for the establishment of an independent empire. It was now the part of wisdom, and (in its effects) of clemency, to put a speedy end to such disorders, by decisive exertions. He had received the most friendly offers of foreign assistance; and had sent to the garrisons of Gibraltar and Port Mahon part of his electoral troops, that a larger portion of the British forces might be applied in maintaining its authority; and the national militia might give a farther extent and activity to military operations. His Majesty professed readiness to receive the misled and deluded multitude with tenderness, whenever they should become sensible of their error; and in order to prevent inconvenience from distance, and remove their calamities as soon as possible, he would give a discretionary authority to persons on the spot, to grant general or particular pardons and

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indemnities, and receive the submission of any province or colony disposed to return to its allegiance. He suggested the propriety of authorizing the persons so commissioned to restore such provinces or colonies to the free exercise of trade, and the same protection and security as if they had never revolted; and informed both Houses, that from the assurances received, and the general appearance of affairs in Europe, he saw no probability of impediment to his measures, by disputes with any foreign power.

Opposition to the address.

An amendment to the address was moved by Lord John Cavendish, and in the debate, the principle and conduct of the contest were severely arraigned. The facts assumed in the speech were declared to be untrue: parliament was not early convened; the Americans were not collecting a naval force; the assertion, that they meant only to amuse by vague expressions of attachment, and sought to render themselves independent, were equally injurious to their honour, and repugnant to truth: and the confiding of two such important fortresses as Gibraltar and Minorca to garrisons of foreigners, was highly improper; the idea of conquest was equally romantic and unjust; and the addresses did not prove the sentiments of the people, even if fairly obtained; but the contrary was strenuously affirmed. Colonel Barré exposed to severe censure the whole conduct of the campaign; Mr. Fox observed, that Lord Chatham, the King of Prussia, nay, Alexander the Great, never gained more in one year than the existing government had lost — it had lost a whole continent. Although the Americans were not justifiable in the extent of their proceedings, resistance was less culpable than submission to the tyrannical acts of a British parliament. General Conway, though joined with the King's servants, detested the principle of supporting every measure of government; reprobated the idea of conquering America; declared explicitly against the right of taxation;

and wished to see the declaratory law repealed, since it had been converted to such bad purposes. CHAP. XXVII. 1775. Defence.

In answer to these objections, the necessity of regaining America by force was strenuously urged: during the late summer, government, although vested by the legislature with the right of using the sword, had, through a love of lenity, preferred an attempt to govern by the civil power: it was now intended to send out an ample force, supported by a sufficient fleet, to insure subjection. Congress verbally professed not to aim at independence; but their claims amounted to a total exemption from parliamentary authority. They had expressly declared, that the British legislature had no right to intermeddle with their provision for the support of civil government or the administration of justice, each country should, in those respects, regulate itself; thus they plainly claimed an exclusive authority in each colonial assembly. Not only the late acts more particularly complained of, but every other affecting their internal polity had been treated as unjust encroachments of parliament on the rights of a legislature as independent as itself. In military matters, their pretensions were equally extravagant. They denied to Great Britain the right of keeping a single soldier in the whole extent of their continent, without consent of the colonial legislature. With regard to revenue, parliament had declared, in words intelligible to all mankind, that they would never tax America, unless impelled by a refusal to contribute a due proportion to the common expenses of the state. They even knew, that a reasonable sum would be accepted; but would not, to gratify this country, offer the contribution of a single shilling. The only particular in which they seemed inclined to admit the authority of parliament was, the regulation of trade; though even there they expressed themselves with sufficient caution; and in every thing else asserted an absolute independence.

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Lord North observed, that to repeal every act passed since the year 1763, must terminate the dispute, for, from that moment, America would be raised to independence. The acts were all just, and not cruel, and that for restraining their traffic with other countries, against which opposition so loudly declaimed, was not passed till the colonies, by a non-importation agreement, had refused to trade with England, who had nurtured them to their present greatness, and on the principles of reciprocity, had an exclusive right to the benefits of their commerce.

Opposition in the Upper House.

The Marquis of Rockingham moved an amendment, exactly similar to that of Lord John Cavendish. The debate embraced many of the same topics; but the Earl of Dartmouth asserted, that the late proceedings had been unsuccessful from causes not to be anticipated; and Lord Gower avowed, that administration had been misled, and pursued a system inadequate to the nature and extent of the service. The accounts received from the southern provinces led to this mistake; New York had been over-awed and forced by a party of insurgents from Connecticut, into measures they would not otherwise have adopted; yet if the friends of government were emancipated by the aid of a force from this country, the colonies might be brought to a sense of their duty, without recourse to scenes of misery and desolation.

Lord Shelburne severely arraigned the conduct of administration, and the rashness of the predictions, that a little bloodshed would ensure success: a great deal of blood had been unhappily shed to no purpose, but to sever the two countries, perhaps for ever. He advanced, as a plain and incontestible fact, that the commerce of America was the vital stream of this great empire, and the independence of that country must be the ruin of Britain. The inevitable consequence of perseverance in the present measures, must be the depreciation of property; opulence would be reduced to competence, competence to indigence: in

contemplation of such adversity, he felt happy in having been bred a soldier; accustomed to the moderation of that life, his fall would be easy.

At an early period in the debate, the Duke of Grafton delivered sentiments hostile to administration, yet refused to concur in the amendment. He condemned the proceedings with respect to America during the last twelve months, and apologized for supporting them, by alleging that he was misled and deceived; he had concurred when he could not approve, from a hope, that in proportion to the strength of government, would be the probability of amicable adjustment. He recommended the repeal of all acts relative to America passed since 1763: this proposition would not probably obtain immediate approbation, but would daily grow in esteem, and ultimately gain universal assent. Did he entertain contrary sentiments, he could not assent to an address which sanctioned measures of unknown extent and expense, while the King's speech was not accompanied with the slightest information. He mentioned the bad state of his health, and, imitating Lord Chatham, declared his intention to come in a litter to express his full and hearty disapprobation of the measures of administration.

Amendment rejected. Protest.

The amendment was negatived[f], and the address carried[g], by great majorities: nineteen peers signed a protest.

Debate on the employment of foreign troops in garrisons. 27th Oct.

In these debates, the illegality of committing the custody of Gibraltar and Minorca to foreign troops was strenuously urged. On the report of the address, the opposition members insisted that the measure was repugnant to the bill of rights, and a precedent of most alarming and dangerous tendency, recognizing a power in the King to introduce foreigners into the British dominions, and raise armies without the consent of parliament. Mr. Thurlow observed, that the

[f] 69 to 29. [g] 76 to 33.

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clause in the Bill of Rights embraced no part of the King's dominions beyond the limits of Great Britain: the necessity of the case and danger of delay were also urged, and the introduction of six thousand Dutch troops, in 1745, without previous consent, was cited as a precedent. Lord North avowed himself the adviser of the paragraph in the King's speech, and declared, he should not consider the House precluded, by voting for the address, from reviewing the measure on any future day.

Bill of indemnity. 31st Oct.

The friends of administration did not uniformly concur in Lord North's opinion, and Mr. Marsham gave notice of his intention to bring in a bill of indemnity; the minister treated the intimation with his accustomed gaiety; declaring, that although perfectly satisfied with the legality of the measure, he had no objection to concur in any proposition tending to keep the heads of ministers more securely on their shoulders; yet conceiving that acts of indemnity were never passed but as a defence against actions at law, and not against impeachments, he proposed a resolution, approving the employment of foreign troops. This expedient was not, however, considered adequate to the purpose, and the minister himself, yielding his own judgment to the arguments of his friends, obtained leave to bring in a bill of indemnity.

1st Nov.

1st Nov. Motion in the House of Lords.

The Duke of Manchester, on the same day, made a motion to declare the employment of electoral troops, in the dominions of Great Britain, dangerous and unconstitutional, and supported it by an elaborate speech. The Earl of Rochford, as one of the ministers who advised the measure, declared his unshaken opinion that it was perfectly justifiable, and his readiness to abide the consequences: yet as he had learned that Lord North intended to apply for a bill of indemnity, he moved the previous question. The Duke of Grafton was the only cabinet minister in the House, who did not avow his having concurred in giving this advice; he condemned the measure in

the strongest terms, as inconsistent with the spirit of Magna Charta. The motion of censure was supported by the Duke of Richmond, the Earls of Effingham, Camden, and Shelburne, and Lord Lyttleton. The previous question was, however, negatived.[h] CHAP. XXVII. 1775.

A motion similar to that of the Duke of Manchester was made by Sir James Lowther, and disposed of in the same manner[i]: in a long and animated debate, the minister was censured, even by his coadjutors, for acceding to the suggestion of a bill of indemnity. Lord Barrington, the secretary at war, in particular declared, that although he was a principal adviser of the measure, he wanted no such bill, and should pity and contemn the minister by whom it was required. 3d Nov.

Such being the opinions professed by members of administration in both Houses, the fate of the bill of indemnity might be anticipated: it passed the House of Commons, after the rejection of a motion for amending the preamble, and making ministry confess their conduct illegal and repugnant to the spirit of the constitution. In the Upper House it was unanimously rejected on the third reading: the Marquis of Rockingham asserting it would be a disgrace to the statute books, to afford indemnity to those who acknowledged no offence, and the ministerial lords declaring themselves perfectly indifferent respecting the event. Bill rejected. 24th Nov. 30th Nov.

Lord North brought in a bill for enabling the King to assemble the militia in cases of rebellion; which passed with a rider proposed by Sir George Savile, limiting its duration to seven years. The number of seamen was fixed at 28,000; the land forces at 55,000, of whom 25,000 were destined for America. In the debates on the militia bill, personal altercations were maintained with great violence, and the manner of procuring addresses was severely ar- 30th Oct. Bill for assembling the militia. 22d Nov. Estimates.

[h] 75 to 32.
[i] On the previous question being put, the numbers were, ayes 81, noes 203.

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raigned and vigorously defended: the discussion of navy estimates gave occasion to impute many malversations to the first Lord of the Admiralty; and while the army estimates were under consideration,

1st Nov.

8th.

a review was taken of the cause and progress of the American dispute, the means of conciliation, and the probabilities of conquest.

Motion by the Duke of Grafton, 4th Nov.

In the House of Lords, similar efforts were made; the Duke of Grafton, who had resigned his office of Lord Privy Seal since the commencement of the session, and now became conspicuous in the ranks of

15th.

opposition, moved for an account of the number of forces serving in America previous to the commencement of hostilities; the force actually employed there; the plans for winter-quarters, and the numbers of the provincial army; an estimate of the troops in Great Britain and Ireland; and an estimate of the military force necessary to be sent to America, with an account of the artillery and stores. In support of this motion, he stated the unsuccessful operations of the late campaign, the condition of the army, cooped up in Boston, mouldering away by sickness and famine, and almost daily waiting for its fate, that of being destroyed or made prisoners by a force infinitely superior. The Lords who directed His Majesty's councils had ingenuously avowed their having been deceived; apologized on account of ill-founded information, false reasonings and mistaken conclusions: and directed oblique censures against the commanders both by sea and land. In such a state of darkness and uncertainty, such charges, blunders, mistakes, imputed negligence or incapacity, it was necessary to warn the House of the difficulties to be encountered, and the means of obviating or surmounting them: by such means they would be enabled to adopt measures of coercion or conciliation, which best suited the dignity, justice and permanent interests of the country.

Objected to.

The proposition was resisted, on the ground that the information would be communicated to the enemy,

and expose the plan of military operations. Earl Gower asserted, on the credit of an officer of eminence in America, that all measures determined on in England were known in the provincial camp much earlier than in the King's army. The Americans would consequently rise in their demands if conciliation were proposed, or take measures of resistance best calculated to defeat the intentions of Great Britain. CHAP. XXVII. 1775.

A digression was made into the general grounds of the dispute: the Americans were vindicated by Lord Camden, the Duke of Richmond, and Lord Shelburne, who declared Great Britain in every instance the aggressor, and stigmatized the proceedings against the colonies by the name of robbery; they were cruel, oppressive, unjust, and unrelenting, and ought to be resisted as the most open and dangerous attacks upon liberty, property, and every thing dear to free men. The assertion that America aspired at independence, was treated as an unfounded calumny, calculated only for purposes of delusion. Dispute with America censured.

Beside the Earls of Gower and Dartmouth, who as ministers vindicated their own proceedings, the cause of government was ably defended by the Lords Lyttleton, Dudley, and Townshend; but Lord Mansfield, with his usual perspicuity, eloquence, and profound information, traced to their real source the pretensions which convulsed America, and agitated Great Britain. He said, "The bad consequences of planting northern colonies were early predicted. Sir Joshua Child foretold, before the revolution, that they would, finally, prove our rivals in power, commerce, and manufactures. Davenant, adopting the same ideas, foresaw that whenever America found herself sufficiently strong to contend with the mother-country, she would endeavour to become a separate and independent state. This has been the constant object of the people of New England, almost from her earliest infancy. Their struggles compelled King William to revoke his former charter, and give them a new one; and toward the Defended by Lord Mansfield.

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conclusion of his reign, to procure an act that no law originating in the colonies should be valid, if contrary to the law of England. Those disputes had scarcely ever subsided: in the year 1733, Mr. Talbot, afterward chancellor, proposed a series of resolutions in the House of Commons, indicating the precise nature of the disputes, and fully asserting doctrines similar to those now maintained by the British parliament. A new administration formed in 1756 were extremely unwilling to engage in a war on account of America; and would have avoided it, had not circumstances given another turn to the subsisting disputes. I do not assert that America was not the true cause of the war; I am certain it was. A vulgar opinion prevailed, the reverse of truth, that we armed in defence of Hanover; but, whatever form the war might afterward assume, it was originally undertaken for the preservation of America. At the peace, the inconveniences which have since arisen were partly foreseen; but they were, with suitable wisdom, balanced against those which might result from the other part of the alternative. The restoration of Canada to France, would have been the source of endless contention. At the time of imposing the stamp duties, an idea prevailed, that America, from her increased power and ability, should contribute to alleviate the burdens with which she had been instrumental in loading this country. I shall not discuss the propriety of the measure; from succeeding events, I regret its adoption, but at the time it encountered no opposition. The next year the declaratory law was passed with equal unanimity. In a year after, Lord Camden being then at the head of His Majesty's councils, and presiding on the woolsack, was present when the port duties were imposed, but offered not the slightest resistance. When the resolutions for extending the statute of Henry VIII. relative to the trial of persons for offences committed out of the realm, were voted, the same learned Lord retained his situation, and the noble Duke, who made the motion

this day, then presided at the head of the treasury; both were in the cabinet, and yet not a word was said against the measure. I look back with sorrow to all these transactions. Lastly, the bill for shutting the port of Boston, on which the learned Lord hath this day bestowed so many hard names, was passed without opposition. If these acts were justifiable, those which succeeded were equally so. America does not complain of particular injuries, so much as the violation of her rights; in one place congress sum up the whole of their grievances in the passage of the declaratory act, which asserts the supremacy of Great Britain, or the power of making laws for America in all cases. Hence arises the dispute; they positively deny the existence, not the mode of exercising the right: they would allow the King of Great Britain a nominal sovereignty, but no more: they would renounce dependency on the crown of Great Britain, but not on the person of the King, whom they would reduce to a cypher. In fine, they would stand in relation to Great Britain, as Hanover now stands: or, rather, as Scotland stood toward England before the union." His Lordship then proved that the views of America were directed to independence; that Great Britain could not concede any claim without relinquishing all; such a sacrifice he supposed was not intended; and consequently, any measure of conciliation would only furnish grounds for new claims, or produce terms of pretended obedience and submission.

The Duke of Grafton's motions were negatived without a division.

13th Nov. Land tax at 4 *s.* in the pound.

Among other means of raising supplies, the minister proposed a land tax of four shillings in the pound. This measure, so unpalatable to the country gentlemen, afforded opposition the means of arraigning the conduct of ministry, and alarming the jealousy of those who would be most affected. Mr. Hartley said, little foresight was necessary to prophesy last year, that the land tax must be raised to four shillings, and

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he saw no probability of its ever being reduced. He made numerous statements and calculations to prove that, instead of deriving the promised revenue from America, England would be encumbered with a perpetual mortgage on the land, to pay for measures equally unjust and ill executed.

These arguments produced the desired effect; Mr. Baldwin observed, he always understood the dispute with America to be for a revenue in relief of the country gentlemen; but having since learnt that the idea of taxation was abandoned, he considered it improper to embark in further expenses.

After replying to several of Mr. Hartley's statements, Lord North denied that taxation was renounced. A mode he said would be adopted, for obtaining a contribution from America; when ministers declared the idea of taxation was abandoned, they meant only that it was abandoned for the present; taxation being but a matter of secondary importance, when the supremacy and legislative authority of the country were at stake. Taxation should be enforced; because, to ensure legislative authority and commercial advantages, it would be necessary to combine them with a tax, even though attended with no direct profit.

This explanation was deemed satisfactory, and the measure encountered little further opposition.[k]

26th Oct. Nova Scotia petition.

On the first day of the session, a petition was presented to each House from the general assembly of Nova Scotia, replete with expressions of loyalty, and deploring the prospect which the present state of affairs opened to America. They proposed, as the means of terminating amicably all differences, and preventing the possibility of their being renewed, a tax *ad valorem* on all commodities imported into the province, not being the produce of the British dominions, except bay salt. This tax would include almost all luxuries,

[k] A division took place on an amendment moved by Sir George Younge, for continuing the land tax at three shillings in the pound, but it was negatived, 182 to 47.

and would increase in an equal ratio with the affluence of the inhabitants. The offer was made in compliance with the conciliatory propositions, and the petitioners hoped it would serve as a model and precedent.

23d Nov. Lord North moved, in a committee of the House of Commons, that this proposal should be accepted, the tax not to exceed eight per cent. and when the legislature of Nova Scotia should have passed an act for effectuating it, their trade should be restored, and they at liberty to import wines, and certain other articles, directly from any other country. It does not seem to have occurred, until suggested by Sir George Younge, that this petition contained the same doctrines, breathed the same language, and claimed the same rights, as the declaration of congress. Sir George moved an amendment, which was overruled, but the petition was not afterwards cordially espoused. It was reported, and a long debate maintained on some proposed amendments, and an ironical resolution moved by Mr. Burke, but the subject was gradually relinquished.

29th.

6th Nov. Debates on the petition of congress to the King. 7th Nov. The petition of congress being alluded to in the King's speech, was submitted to the inspection of parliament. Before this paper was regularly discussed in the House of Lords, Mr. Luttrell endeavoured to conciliate the lower House to the pretensions and character of congress, by moving an address for empowering commissioners to receive conciliatory proposals from any general convention, congress, or other collective body, conveying the sentiments of one or more colonies, suspending all inquiry into the legal or illegal forms under which such colony might be disposed to treat. This motion was introduced by a long speech, tending to prove, that in Great Britain, more than any other country, government had been brought back to its first principles, by extra-formal assemblies of the people, in a convention, or congress. By such a convention he argued monarchy had been restored

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in the person of Charles II. and such a convention in 1688 perfected the glorious Revolution. No answer was made to the harangue, but by observing, that to treat with the American congress would be to admit it a legal assembly, and consequently that the conduct of Great Britain was entirely founded in injustice. The motion was negatived.

7th Nov. Mr. Penn examined.

When the Lords, in pursuance of the order of the day, were proceeding to take into consideration the petition of congress, the Duke of Richmond saw Mr. Penn standing below the bar, and anticipating that some doubts would arise respecting the authenticity of the paper, urged the propriety of examining him as a witness. After a strenuous debate on order, and precedent, mixed with much personal invective, the ministry conceded that his evidence should be received.

10th Nov.

The examination was conducted by the Duke of Richmond, who had previously communicated the questions he intended to ask. Mr. Penn had been constantly resident in America four years, two of which he had been governor of Pennsylvania; he described the congress as men of character and intelligence, capable of conveying the sense of their constituents, and without means of enforcing obedience, but through the confidence reposed in them: that confidence, however, was so unlimited, that no sufficient protection could be found for persons who should advance sentiments differing from those which they had promulgated. The people generally considered themselves fully able to resist the arms of Great Britain employed to enforce taxation, and the late obnoxious acts. The war was commenced and prosecuted by the inclination and zeal of the people, in defence of their liberties, though not, as the witness believed, for the purpose of establishing independency; but unless conciliatory measures were speedily pursued, he feared the Americans would form connexions with foreign powers,

which they would not easily be induced to renounce. They were dissatisfied with the reception of their petitions, and had formed great hopes of that delivered by the witness, which was styled *the Olive Branch;* and the commission to present it was considered a subject of congratulation by his friends. He described the dissatisfaction occasioned by the stamp act; and the exultation at the repeal, and was of opinion, that the declaratory act would have occasioned no discontent, had America been left in the state she then was: he believed the colonies inclined to acknowledge the imperial authority of Great Britain, in every particular, except taxation, and to acquiesce in the words of the declaratory act.

The Duke of Richmond's motion.

Upon this evidence, manifestly partial, and necessarily imperfect, from the situation of the witness, whose knowledge was avowedly limited to Pennsylvania, the Duke of Richmond founded a motion, "That the petition was a ground for conciliation of the unhappy differences between Great Britain and America." He extolled its language as that of dutiful submission to the sovereignty of the mother-country, so far as was compatible with the rights secured to freemen by the constitution of the empire; and traced all the difficulties, dangers, and inconveniencies attendant on a project of forcible conquest.

Lord Shelburne coincided in these sentiments, and expatiated on the topics urged by the Duke of Richmond, in terms still more forcible. He predicted national ruin from the prosecution of the contest, and said, if ministers persisted in measures neither justifiable on principles of policy or of liberty, he should apply to them the adage, "*Quos deus vult perdere prius dementat.*"

The Earl of Dartmouth defended the refusal to answer the petition, by observing, that unless presented to the King on the throne, no answer could be expected as of right; and it would have been indecent in the Secretary of State to give an answer unauthorized. If silence was construed into disap-

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probation, the construction was justifiable. The petition, in its expressions, was unexceptionable, but there was every reason to believe the softness of the language purposely adopted to conceal the most traitorous designs. Did it become the offending party to dictate the terms on which peace would be accepted?

Lord Lyttleton, with great warmth, descanted on the partiality of the witness, and declared he could have confronted him with a person of unexceptionable character, possessed of ten thousand acres of land in New England, but that individual was afraid to appear, from a certainty that his property would be totally destroyed, and his person proscribed. "Supposing, however, Mr. Penn's evidence impartial, what was the purport of the motion, but that the acts of the British parliament, its repeated addresses to the throne, His Majesty's own most solemn declarations, were to be superseded by the commands, not addresses, of the rebellious Americans? Those audacious rebels, who endeavoured to impose on His Majesty insidious, traitorous, false expressions of loyalty and obedience, while in the same breath they appealed to the people of Great Britain and Ireland, abused the parliament, denied their power, invited their fellow-subjects to make a common cause, and thus, at once, endeavoured to involve every part of this great empire in one general scene of rebellion and bloodshed. Are these the men you would treat with? Is this the cause the pretended friends of the country would endeavour to defend? Or would you, by agreeing with this motion, relinquish your dominion over those worst of rebels, and tamely submit to transfer the seat of empire from Great Britain to America?"

Lord Sandwich, whose temper and mildness in debate furnished at once a contrast and reproof to the vehemence of Lord Lyttleton, defended that nobleman against the animadversions he incurred by his irritability, and unfolded many errors and exaggerations in the statements of American force and British alliances.

He exposed with perspicuity the geographical and political mistakes made by the opponents of ministry, censured their assumptions of mere suppositions for facts, and rectified their mis-statements of the strength and zeal of the country.

The Duke of Richmond's motion was negatived.[l] Negatived. 16th Nov.

Mr. Burke again judged it expedient to propose a project of conciliation, which he introduced at the moment of presenting a petition from the inhabitants of certain towns in Wiltshire, against the prosecution of the war. His motion was "For leave to bring in a bill for composing the present troubles, and quieting the minds of his Majesty's subjects in America," founded on the statute of Edward I. *de tallagio non concedendo*. In conformity to this precedent, he proposed a renunciation of taxing, a repeal of statutes made on a contrary principle, since the year 1766, a general pardon, and a congress to be held by royal authority, for the adjustment of differences.[m] Burke's conciliatory bill.

In his speech, Mr. Burke observed, three plans were afloat with regard to America; first, simple war, in order to a perfect conquest; second, a mixture of war and treaty; and third, peace grounded on concession. The first plan was to be effected in two ways; the one direct, by conquest, the other indirect, by distress. The forces to be employed in America amounting on paper to no more than 26,000, were, he contended, insufficient for conquest; and without anticipating the success or frustration of the plan of distress, he objected to it as not leading to a speedy decision. The longer our distractions continued, the greater the chance of interference by the Bourbon powers, which, in a protracted war, he considered not only probable, but certain; and this country was utterly incapable of coping with America and those powers in conjunction.

[l] 86 to 33. [m] See the bill in the Parliamentary Register, vol. iii. p. 182.

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The second project, of force mixed with treaty, appeared most favoured by ministers, but met with his decided disapprobation. Ministers did not propose to negotiate with the present, or any other general congress or meeting, but with the several assemblies distinctly. In this scheme they knew they could not succeed, because the chartered assembly of one principal province, that of Massachuset's Bay, was destroyed by act of parliament. No assembly would sit under the new constitution, because the inhabitants must then, as a preliminary, surrender the principal object for which they had armed; and thus, before the opening of the negotiation, decide the contest against themselves: the treaty must therefore stumble on the threshold. Beside this fundamental objection, he urged the impossibility of ever terminating a negotiation with so many provinces, of such different constitutions, tempers, and opinions, while in the mean time, hostilities, with their whole train of disadvantages, accidents and ruinous expences, would be continued. The objects of treaty must be either the recognition of abstract rights, on as large a scale as Parliament claimed them, to which the Americans would never submit; or upon a lesser, to which they had already submitted. Another object of treaty might be a practical recognition of the right of Great Britain to tax for a revenue, either nominal or beneficial; if nominal, it amounted only to a speculative acknowledgment of right, which they would for ever refuse; if beneficial, they would grant it only in the ancient mode, which from the beginning of the contest they had repeatedly tendered; that of contributing according to their ability, estimated by themselves. If ministers treated for a revenue, or any other purpose, they could only rely on the force which procured the terms, or the honour, sincerity, and good inclination of the people. If nothing but force could hold them, and they aimed at independency, as the speech from the throne asserted, then the House was to consider how a standing army of

26,000 men, and seventy ships of war, could be constantly maintained. "A people aspiring at independency will not abandon it because they have, to avoid a present inconvenience, submitted to treaty. After all our struggles, America must be retained by her good inclination. If this fails, all fails; and it were better to trust to the honesty of the colonies, before we ruined ourselves and irritated them, than after we had alienated their affections for ever."

Having dilated on these topics, Mr. Burke came to his own proposition, that of concession previous to treaty. He put no great faith in any negotiation, and none in an armed negotiation; he would therefore recommend little treaty, and that as short as possible. The House would judge whether concession was necessary or not, and if they decided in the affirmative, it would be most consistent with their dignity to make it immediately, and of their own free grace. A necessary preliminary, however, would be the dismission of the ministry. In no time or country, or under any form of government, was the power of ministers suffered to survive the success of their counsels; or the same men permitted to inflame a dependent people to arms, and then appease them by concessions. In concession, the credit of a state is saved by the disgrace of a minister; because it is his counsel alone that is discredited. But when the very same ministers, in consequence of resistance, forego their own acts, the nation itself submits.

He then read his bill, and shewed its conformity to its model, supposing Great Britain to stand in the place of the sovereign, and America in that of the subject. The circumstances were not indeed in every respect exactly parallel, but sufficiently so to justify his following an example that gave satisfaction and security on the subject of taxes, and left all other rights and powers exactly as they stood before the arrangement.

At first he intended to propose the repeal of the declaratory act, but found it impossible, without mak-

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ing the legislature accuse itself of uttering false propositions, and advancing groundless claims: it would be a denial of legislative power, as extensive as the affirmation. To repeal all the acts since 1763 was impossible, without ruining the whole system of trade laws, and some which were extremely beneficial to America. All those which leaned on the colonists, and were the cause or consequence of our quarrel, should be repealed; and the bill authorized a negotiation for settling all inferior matters to mutual advantage. The congress did not require this sweeping repeal as a preliminary to peace; but even if it had, he did not conceive that men treating of peace must persevere in demanding every thing they claimed in the height of the quarrel. The cause of the dissension was taxation; that once removed, the rest would not be difficult: and he was confident, both from the nature of the question, and from information which did not use to fail him, that this bill would restore immediate peace; and as much obedience as could be expected after so rude a shock had been given to government, and after so long a continuance of public disturbances.

Ably opposed by Governor Pownall.

This proposition occasioned a long debate, in which the principal speakers on both sides engaged, with their utmost spirit and ability. The chief opponent to Mr. Burke, whose arguments are preserved, was Governor Pownall. Following the mover in his division of the subject, he exposed many fallacies in his reasoning, and many errors in his statements. He gave, as an analysis of Mr. Burke's theory, that Great Britain must either change the sentiments of the Americans by negotiation, or subdue the rising spirit; the rising spirit was not to be subdued, and while war lasted, it was not to be changed by negotiation: Parliament must, therefore, previously make concessions, disavow their declarations, repeal their acts, sue for peace, and the Americans might grant it. By this plan the unsuspecting confidence of the colonies must be regained by removing the ground of the difference. Even such a project was not

recommended by experience: "when the stamp act was repealed, the mover says, the Americans resigned themselves to their former unsuspecting confidence;" the declaration of congress expressly contradicts the assertion: "After the repeal of the stamp act," they say, "having again resigned ourselves to our ancient unsuspicious affections for the parent state, and anxious to avoid any controversy with her, in hopes of a favourable alteration in sentiments and measures towards us, we did not press our objections against the above-mentioned statutes made subsequent to the repeal." Among these were the declaratory act, and the act for imposing other duties in lieu of that which was retracted.

Governor Pownall then entered into a detail of the various acts, which, from the twenty-fifth year of Charles II. had laid duties on the colonies for the purpose of raising a revenue for England; he shewed that the Americans required a repeal of these, as well as of the subsequent acts, and that they neither were, nor could be content with what was done in 1766. Mr. Burke's proposition therefore did not go back so far as congress demanded, not even so far as the year 1763; the declaratory act and the revenue act were left unrepealed, while congress stated their abhorrence of the former law, demanding what was to defend them against so enormous, so unlimited a power. This fault in the plan arose from the proposer's partiality to his own friends, under whose auspices the obnoxious acts were passed. The Americans would not be so satisfied; for when they limited their present demands to the infringements of their rights since the year 1763, they carefully reserved the further consideration of the general state of American claims to a future day. The Governor was adverse to all partial concessions and repeals, which could produce nothing but an endless succession of quarrels and temporary reconciliations. The bill itself, although grounded on the complaints of Ameri-

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can grievances, did not afford the redress and remedy: it went only to the year 1766, but to be real and efficient, it must be extended to 1672. "They complain," he said, "of the admiralty jurisdiction: now that is as old as the act of navigation. By that act, ships navigated contrary to law were to be seized, and might be brought to the court of admiralty in England, on the express principle, that there should be no party juries. For the ease, and not the aggrieving of the subject, courts of admiralty were afterwards established in the colonies, and all this system stood established before 1764. To my argument it is nothing how far this is right or wrong, grievous or otherwise; but the Americans complain of it; and if the bill which is to afford redress, and concede to their complaints, must be effectual, in order to gain their confidence, this bill does not go far enough: there are others willing to go further."

He then moved the previous question, which was decided in the negative.[n]

7th Dec. Hartley's propositions.

Mr. Hartley renewed his conciliatory efforts, apologizing for his perseverance by adverting to the magnitude of the object, upon which not only the fate of our own times, but of all future ages, both

[n] 210 to 105. In the course of this debate, Sir George Savile, with considerable pleasantry, supposed the House of Commons the American congress, and assigned to the principal persons the characters of the leading Americans. "The learned gentleman, Mr. Wedderburne, for his quiet and temperate character, spirit of moderation, deep philosophy, love of liberty and his country, I will suppose is Dr. Franklin. I have fixed upon him, besides, as his particular friend. His neighbour, Lord George Germaine, is General Putnam. His next neighbour, Lord North, Mr. Adams. And there is a gentleman, I can suppose to be Mr. Hancock—I beg your pardon, Mr. Speaker, (bowing to the Speaker,) you are Mr. Hancock. Now I will suppose all these great men got together; and our Dr. Franklin to take up the defence of the colonies with all that wit and eloquence of which he is master. I will only suggest the topics upon which he would talk." He then put all the strongest words and arguments in defence of America, into the mouth of this supposed Dr. Franklin, and went on in the same manner with the other imaginary persons. Mr. Fox, with great wit and readiness, gave a description of the treasury-bench, beginning with Mr. Ellis, and ending with Mr. Cornwall, by a single epithet, happily marking the characters of each with fine satire, and without breach of decorum. And Mr. Wedderburne, in answer to an observation of Mr. Burke, on the conduct of Demosthenes, descanted on the history of that period, with allusion to the present times. His speech, though delivered at three o'clock in the morning, awakened the attention of every individual in the House.

in this country and America, would depend. He took the ground of his proposition for pacification from the petition of congress, which he characterized as most dutiful and affectionate, humbly supplicating the King to become the mediator of peace between them and their parent state. Lord North, at the beginning of the session, having expressed an ardent wish that affairs were in the same state as in the year 1763, Mr. Hartley would unite with him on those terms; for although he considered the ministry at all times aggressors, he thought it not unreasonable to expect from America some concession to the national honour. The Americans had offered to make any reasonable sacrifice; he would embrace the suggestion, and as a hankering after revenue still lurked in the minister's heart, he might also obtain a revenue if he would receive it in a constitutional way. Even supposing that a right to tax America could be proved, justice, which is superior to all rights, would require its dereliction. It is the prerogative of the Commons of England to give and grant by their own representatives; the Commons of Ireland possess the same prerogative; which has always been equally enjoyed by the Commons of America. Had the reverse been true; had the right of taxing unrepresented America been undisputed, and the exercise customary and notorious; yet, considering the oppression and grievances of unrepresented taxation, it would have been the duty of Parliament to rectify the constitution of America by the British model. If administration were sincere in the desire for peace, he would offer terms of accommodation, by which, if the Americans were replaced in the same position as in 1763, they should give full satisfaction on the point of honour, and an effectual, not mere verbal recognition of the authority of the mother-country as it then was. The test should be, the registering, by the assembly of each province, of some act of parliament on principles of justice, and such

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as the colonies would in 1763 have received with a silent and thankful compliance.

His motions were, first, for a suspension of arms during the treaty of pacification; second, for a restoration of the legislature of Massachuset's Bay, according to the charter; third, for a bill to establish the right of trial by jury in criminal cases to all slaves in North America, and to request the registering of that act by the *assemblies in each colony*. This was the proposed test. Fourth, for a bill to restore the Americans to the position in which they were in 1763; and fifth, for a free pardon, indemnity, and oblivion. They were all negatived.*

Rejected.

These motions appear to contain some good principles of conciliation, if conciliation was indeed possible: the arguments against them are not preserved. Lord North objected to the attempt as unseasonable, till experiment had been made of a measure of such vast extent as the prohibitory bill, which was then passing through the House.

20th Nov. Bill for prohibiting commercial intercourse with Ameriea.

This measure was introduced by the minister himself, for the purpose of terminating all intercourse with the colonies during the rebellion, repealing the Boston port and restraining acts, and enabling the King to appoint commissioners, and issue proclamations in certain cases. He explained the necessity of restraining the American trade during the rebellion, and the justice of immediately removing the restraint from any colony wherein it might cease; the Boston port act, and other acts of last year, being framed on other grounds and for other purposes, would impede this operation; the restraining acts were civil coercions against civil crimes; but in a state of war, the provisions were ineffectual, and others became necessary: those he now proposed would be used in war with any country; but were framed under provisos facilitating the approach of peace. The charter acts could not

* 122 to 21.

be repealed while the Americans denied the right of making them: the bill for the administration of justice there was no occasion to repeal, because the country being in actual war, martial law took place, and there were no courts in which it could operate. He should also be ready to repeal the tea duty, on the same grounds that he would suspend every exercise of the right of taxation, if the colonies themselves would point out any mode by which they would bear their share of the burden, and give their aid to the common defence. The clause respecting the commissioners meant, beside the granting of pardons, that they should inquire into any material change of circumstances in the colonies; remedy real grievances or oppressions; and if any part, or a whole colony, returned to a proper state of obedience, declare that colony or part to be in peace, upon which the restrictions in the present bill were to cease.

In vindication of his own conduct, Lord North observed, the dispute about taxation was prepared and begun before he engaged in it as a minister; he embraced it when the colonies, being already taxed, disputed a right which the country had determined not to surrender. If the colonies, by appealing to arms, had made war the medium, although peace was the only point he ever retained in view, he must pursue it through that medium. To these principles he declared his stedfast adherence.

Mr. Fox decried the proposition as tending to destroy all trade with America, and accused the minister of designing to ruin the manufacturers in order to induce them to inlist in the army, which could no otherwise be recruited. He moved as an amendment, to omit the whole of Lord North's proposition, except what related to the repeal of the obnoxious laws.

During this debate, the nature of civil wars, and the propriety of active exertion in military commanders, when their opinions were repugnant to the

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service, was brought into discussion. Lord Howe declared he did not conceive any struggle so painful, as that between duties as an officer, and as a man; if left to his choice, he certainly should decline to serve, but if commanded, it was his duty, and he should not refuse to obey.

General Conway urged the difference between a foreign war, where the whole community was involved, and a domestic war on points of civil contention, wherein the community was divided. In the first case, no officer ought to call in question the justice of his country; in the latter, a military man, before he drew his sword against his fellow-subjects, ought to examine his conscience, whether the cause was just.

Mr. Thurlow, with becoming indignation, decried these sentiments. Let the honourable gentleman, he said, justify his conscience to himself, but not hold it out as a point of doctrine to be taken up in a quarter, and line of service, where his opinions might be supposed to have great influence; for if once established as doctrine, they must tend to a dissolution of government. Lord North's proposition, he contended, retained the habitual exercise of taxation, and left an opening to America, of a permission to raise her share of supply toward the common defence, by granting it in her own assemblies, and giving it in her own way. On this principle, he was willing to coincide in any measure that might afford ground for conciliation; yet he thought the only sure and permanent basis would be a definition of the relation between the mother-country and her colonies. He added, that as Attorney-general, he had a right, by writ of *scire facias*, to set aside every charter in America: but in our present situation, such a process would be justly the object of ridicule; for the conduct of America was not a matter for judicial, but parliamentary animadversion.

Mr. Fox's amendment was rejected.[p]

[p] 192 to 64.

1775. 1st to 11th Dec.

This law was vehemently opposed during its whole progress: it was decried as a formal abdication of the government of the colonies, and termed a bill for more effectually carrying into execution the resolves of congress.[q] Petitions were presented by the West India merchants, and counsel heard; an attempt was made to exclude the province of Georgia from its operation, and several amendments were tendered in the committee. Opposition was carried to the extreme of political violence and personal altercation; but at length the bill passed without amendment.[r]

Debated in the House of Lords. 15th Dec.

In the House of Lords the contest was not less violent and acrimonious. On the second reading, much of the debate turned on the allegation in the preamble, that the Americans were in rebellion. The peers in opposition contended, that they had been forced to take up arms in defence of their property, which several statutes had attempted unjustly to wrest from their hands; they were resisting acts of violence and injustice, acts oppressive, cruel, and tyrannic, consequently such resistance was neither treason nor rebellion, but, in every political and moral sense, perfectly justifiable.

This manner of speaking was vehemently censured by Lord Lyttleton, who, in the phrase of Cicero, styled it *immoderata licentia concionis;* and the Earl of Denbigh insisted, that, by the laws and constitution of this realm, any other treasonable expression might be as well justified, under the claim of exercising the privilege of speech, as the assertion that America was not in rebellion, or that resistance to the acts of a British parliament is no more than resistance to the most wanton act of tyranny and oppression. Those who defend rebellion, he said, are themselves little better than rebels; and there is no great difference between the traitor and him who openly or privately abets treason.

[q] History of Lord North's Administration, p. 220.

[r] The final division was 112 to 16.

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A protest, signed by eight peers, was entered on the Journals against committing the bill.[s]

Protest.

During its further progress several amendments were made; delay was attempted, and a petition presented from the merchants of Bristol, requesting a suspension of its operations for two months: but without effect.

20th Dec.

On the last reading, Lord Mansfield defended the measure in all its parts, and the conduct of government toward America in general. He always was of opinion, that the people of America were as much bound to obey the acts of the British parliament, as the inhabitants of London and Middlesex; and thought that ever since the peace of Paris, the northern colonies had been meditating independency. "They have said so in a publication of the continental congress, wherein they thank Providence for inspiring their enemies with the resolution of not attempting to carry their schemes of dominion into execution till they had arrived at a growth and strength sufficient to resist them. Whatever might be their wishes before that time, their situation rendered it impracticable, because Great Britain alone could protect them against the power of France, to which their whole frontier lay exposed. But allowing all their professions genuine, their inclinations, those of duty and respect towards this country, that they entered into the present rebellion through the intrigues and arts of a few factious and ambitious men, or those who ultimately directed them; that the stamp act was wrong; that the declaratory law might assert the supremacy over that country, but it ought never to be exercised, nor amount to more than such a power as his Majesty claims over France, a mere nominal dominion; that no troops should be sent even to defend the Americans, without their own permission; that the Admiralty courts should

[s] This division was 78 to 19.

never be made to extend there, though by the trial by jury, the parties themselves would be judges; that offenders against the laws and authority of this country should be tried for offences by persons who themselves were ready to declare they did not think the charges criminal; that no restraints should be laid upon their trade, though that great bulwark of the riches and commerce of this country, the act of navigation, depended on such restrictions; that every measure hitherto taken to enforce submission to parliamentary authority, was cruel and unjust; that every ministry had been tyrannic and oppressive, and the last worst of all; yet admitting all this to be true, was Great Britain to rest inactive, till America thought proper to begin the attack, and gained strength to do it with effect? We are now in such a situation, that we must either fight or be pursued. A Swedish general, in the reign of Gustavus Adolphus, pointing to the approaching enemy, said to his troops, 'My lads, you see those men, if you do not kill them, they will kill you.' The same sentiment is applicable to the present case. If we do not get the better of America, America will get the better of us. They have begun to raise a navy; trade will beget opulence, and they will be enabled to hire ships from foreign powers. It is said the present war is only defensive on the part of America. Is the attack on Canada, or the attempt at Halifax, a defensive war? Is the prohibiting all trade and commerce with every other part of the British dominions, even with Ireland, for which they express such friendly sentiments; is starving the sugar islands acting on the defensive? No; though those people never offended, nor oppressed us, we will distress them, say they, because that will be distressing of Great Britain. Are we, in the midst of all outrages, of hostility, of seizing our ships, entering our provinces at the head of numerous armies, and seizing our forts, to stand idle, because we are told this is an unjust war, and wait till they have

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brought their arms to our very doors? The justice of the cause must give way to our present situation; and the consequences which must ensue, should we recede, would, nay must, be infinitely worse than any we have to dread by pursuing the present plan, or agreeing to a final separation."

21st Dec. The bill passed without a division. Mr. Hartley vainly attempted to procure its rejection, when returned in an amended state to the Commons: and

21st & 22d. both houses adjourned for the Christmas recess.[t]

Recess. Changes in administration.

During the session, several changes took place in the administration. The Duke of Grafton appears to have been always disposed to repeal the American tea duty[u], although he continued in administration when that measure was rejected. On the

4th Nov. first day of the session, he seized the opportunity of claiming popularity by opposing the address; in a short period he resigned the privy seal, and became an active member of opposition. General Conway also abandoned the cause of administration, but was

10th Nov. Lord George Germaine, secretary of state for America. His character.

not removed from the government of Jersey. The Earl of Dartmouth received the privy seal, and Lord George Germaine, uncle to the Duke of Dorset, succeeded to the secretaryship of the American department. This nobleman, descended from the illustrious race of Sackville, Dukes of Dorset, supported the stamp act under Mr. Grenville's administration. His person, tall and dignified, added force to a manly elocution: his harangues were rather argumentative than florid; without resorting to the artificial graces of oratory, he addressed the judgment, constantly confining himself to the subject under debate; he was concise, and as he never rose to speak but upon a weighty question, he was heard with attention, and spoke with effect. By

[t] In a subsequent period of the session, some supposed partialities and imputed frauds in carrying this act into effect, gave rise to complaints, which were investigated in parliament; a committee was formed, evidence heard, and animated debates maintained in both houses.

[u] See Mr. Fox's speech in the House of Commons, 20th Dec. 1775.

him the operations of the war are supposed to have been generally planned, and to him their superintendency was principally intrusted.[w] But the great talents of this able minister were counteracted by the unpopularity of his name. It is almost unnecessary to remind the reader, that Lord George Sackville, who had taken the name of Germaine, having in the preceding reign, after the battle of Minden, demanded a court-martial to inquire into his conduct, was declared incapable of any military employment. This sentence was enforced even with asperity; and when it was confirmed by George II. a severe and unprecedented stigma was added, and commanded to be given out in public orders; and the same day his Majesty in council ordered the name of Lord George Sackville to be struck out of the list of privy-counsellors. By the Rockingham administration he was restored to his seat at the council-board, and appointed joint vice-treasurer of Ireland. Without entering into the merits of the question respecting his disgrace, his appointment to his new office was undoubtedly very unpopular. Lord George possessed great dignity of mind, and sterling sense; his manners were rather distant than attractive; he was a severe check on those who suffered a lavish expenditure through neglect, or to gratify dependents, or with a view to power or popularity.

10th Nov. Other changes.

The Earl of Rochford retiring about the same time, was succeeded by Lord Viscount Weymouth, who thus resumed the office he vacated at the time of the dispute relative to Falkland's Island. Lord Lyttleton, who on the first day of the session, had opposed the address, was gratified with a seat at the council-board, and the office of chief justice in Eyre beyond Trent. Administration gained, or rather, for a time, fixed on their side a florid, ready,

17th Nov.

[w] History of Lord North's Administration, p. 212.

CHAP. XXVII.

1775. Despondency of administration.

and eloquent speaker; but the reproach of versatility, often repeated, prevented the beneficial effects of his exertions.

The efforts of opposition, although unsuccessful in parliament, threw a gloom, approaching to despondency, over the ministry: the affairs of America became daily more perplexed and unpromising, and the probability that the cause of congress would grow more generally popular, indicated a necessity for increasing energy. Treaties were concluded with the Duke of Brunswick, and some other continental princes, for troops; but the Empress of Russia, whose assistance was expected, and in a certain degree promised [x], refused to permit her forces to be engaged in a foreign service as mere mercenaries; and though she still continued on the most amicable terms with Great Britain, and held out a prospect of future co-operation, no immediate assistance could be obtained.[y]

[x] See Gibbon's Miscellaneous Works, v. i. p. 495. 497.

[y] From private information. Also see Œuvres du Roi de Prusse, tom. iv. p. 291.

CHAPTER THE TWENTY-EIGHTH.

1775—1776.

State of Ireland. — Effect of the American contest. — Money bill rejected. — Contract respecting troops. — Debated in the British parliament. — Debate on the treaties with German princes. — In the House of Lords. — Motion by the Duke of Richmond. — Debate on the army extraordinaries. — The Duke of Grafton's conciliatory proposition. — Mr. Hartley's proposition to place America on the same footing as Ireland. — Sawbridge's motion for that purpose. — Fox's motion for a committee of inquiry. — Miscellaneous transactions. — Wilkes's motion for a reform of parliament. — Trial of the Duchess of Kingston. — Motion for inspecting the powers of commissioners. — Against prorogation. — King's speech on terminating the session. — View of the conduct and politics of foreign powers. — France. — Spain. — Austria. — Prussia. — State of the press in England. — Dr. Price's publication. — Its effects. — Re-establishment of tranquillity in the city.

CHAP. XXVIII.

1775.

State of Ireland.

IRELAND shared in the sensations excited by the American dispute, and during the government of Lord Harcourt, strong parties were formed, and great exertions growing to maturity. The public was frequently alarmed by accounts of the defection of manufacturers, the migration of labourers, and the successful operations of rioters; but for several years no important transaction occurred.

Effect of the American contest.

As the American contest advanced, the parliament of Ireland and the people of Dublin, began again to embarrass government with opposition and cabals. The dissenters were active and violent[a]; and the guild of merchants of the metropolis, beside their address of thanks to Lord Effingham on his resignation, voted

[a] Gibbon's Posthumous Works, vol. i. p. 496.

CHAP. XXVIII. 1775.

a similar compliment to those peers who, "In support of the constitution, and in opposition to a weak and wicked administration, protested against the American restraining bills." [b] The sheriffs and common council were also desirous of imitating the city of London, by transmitting petitions against the measures relating to America, but were restrained by the lord mayor and aldermen. Indignant at this impediment, they declared their anxiety to preserve their names from the odium which all posterity must attach to those who promoted the acts carrying on in America, their grief for the injured inhabitants of that continent and their own brave countrymen sent on the unnatural errand of slaughtering their fellow-subjects; and resolved, that whoever refused his consent to a dutiful petition tending to undeceive the King, and by which the effusion of one drop of subject blood might be prevented, was not a friend to the constitution.

28th Aug. 1775.

10th Oct. Money bill rejected.

The lord lieutenant met the parliament with a speech in which he recapitulated the benefits lately derived from the liberality of Britain, reprobated the rebellious spirit of the Americans, and recommended attention to the discharge of arrears which had been unavoidably incurred. A money bill was prepared and transmitted to England, but having been altered in council, was on its return rejected by parliament; which prevented an immediate supply.

23d Nov. Contract respecting troops.

In pursuance of the plan of vigorous operation resolved on in the British cabinet, Lord Harcourt requested the House of Commons to concur in sending out of the kingdom four thousand men, to be taken into British pay, and offering, if it were the desire of parliament, to replace them, *as soon as His Majesty should be enabled so to do*, by an equal number of foreign Protestant troops, who were also to be maintained without expense to Ireland. The house reluctantly assented to the required dimi-

[b] Annual Register, 1776, p. 43. This address was presented under the corporation seal, and published with the several answers of each peer.

nution of their national force, but refused the aid of foreigners in their stead [c], and the opposition unsuccessfully endeavoured to obtain an act for embodying the militia. [d]

15th Feb. 1776. Debated in the British parliament.

This was the first important transaction which engaged the attention of the British legislature, after the recess. Mr. T. Townshend, after expatiating on the privileges of parliament, which though the undoubted right of all the commons of England, were but secondary to that great privilege of keeping the purse of their constituents from the hands of violence, art, or fraud, read the proceedings of the Irish legislature: Lord Harcourt's message, he said, contained two propositions, both binding on the British parliament, to pay the troops to be sent to America, and to replace them with four thousand foreign Protestants; twelve thousand men were still to be retained in Ireland, which was, at the same time, to be relieved of an annual burthen of eighty thousand pounds. Such a proposition could only originate in the worst designs, or the most consummate folly: for the minister not only engages that the expense shall be borne by the British parliament, but, adding folly to temerity, promises that eight thousand men shall be taken into pay, although no more than four thousand would be in the service of Great Britain. He complained of Lord Harcourt's message as contrary to the privileges of the English House of Commons, derogatory to its honour and authority; and moved for a committee of inquiry.

The debate was long and animated, frequently degenerating into personalities. The defence of Lord Harcourt was not conducted on a consistent principle. Some insisted that the Speaker of the Irish parliament had mistaken the sense of his message, which purported only, that His Majesty, if desired by the Irish and authorized by the English parliament, would pay the

[c] The division on this occasion was 106 to 68.

[d] See the messages, &c. on this subject, Parliamentary Register, vol. iii. p. 315.

CHAP. XXVIII. 1776.

four thousand foreigners. Others argued, that at the time of increasing the establishment in Ireland, the King had engaged that twelve thousand troops should always be maintained in that kingdom, except in case of actual invasion or rebellion in England; and the present demand for troops not being within those exceptions, it was necessary the King should be absolved from his promise by those to whom it was made. An application to the Commons of Great Britain would have been a direct violation of the promise to the sister kingdom.

On the other side, it was contended, that the message was an experiment to procure the reception of foreign troops, in order to establish a precedent, which afterward might be applied to other purposes. It was the aim of administration to habituate both countries to certain notions which must in the end reduce the parliament of each to mere instruments, without will or independence. It was a scheme, however deep, formed on very simple principles, and had a direct tendency to vest in the crown the virtual power of taxing both countries. In Ireland, the minister was to ask some favour; then England was to be pledged: in England, Ireland was to be taxed, in order to maintain the supremacy of the British legislature. The various modes of defence were ridiculed with great success: no two of the confidential servants of the crown agreed in a single sentiment. Some allowed the message to import what was stated in the complaint; others acceded to a part; while a third was so modest as to contend, in defiance of every rule of rational and obvious construction, that the message meant the very reverse of its manifest import.

In answer to an insinuation by Mr. Dunning, that although this famous message had been disavowed by the friends of administration in England, the lord lieutenant would not have risked such a measure entirely on his own judgment; Lord North acknowledged his co-operation in giving general instructions; but would not charge his memory with having assisted in

framing any specific authority on which it was founded. He thought it however perfectly justifiable, and was willing to share in the consequences. CHAP. XXVIII. 1776.

Mr. Thurlow treated the motion as a mere party squib, denying that the preamble to an Irish law was binding on the parliament of Great Britain; and Lord George Germaine, while he admitted that possibly the lord lieutenant might have misunderstood or exceeded his instructions, and that the bargain was not commendable on the ground of economy, contended that the first part of the message only proposed a matter to the consideration of the Irish parliament, clearly and legally within the constitutional exercise of regal power. If the King had not promised to retain twelve thousand men within the kingdom, he might, by virtue of his prerogative, have ordered all the troops to any part of the British dominions, without application to parliament.

Both ministry and opposition testified, in ample and unequivocal terms, the general merits of Lord Harcourt's administration; and the motion for a committee was negatived, and all inquiry refused.[e]

On the treaties with German princes.

Lord North submitted to the house copies of the treaties with the Duke of Brunswick, the Landgrave of Hesse Cassel, the hereditary Prince of Hesse Cassel, and subsequently one with the Prince of Waldeck.[f] These potentates stipulated to afford an aid of 17,742 men: the terms were somewhat different, but all seemed extravagantly high. Levy money was to be paid at the rate of 7*l.* 4*s.* 4*d.* each: all extraordinary losses in battle, siege, by contagious malady, or shipwreck, were to be compensated by the King, who was also to bear the expense of recruiting the corps. Three disabled men were estimated as one killed; the troops were to take oaths to the King of Great Britain,

[e] 224 to 106.

[f] The dates of these treaties were 3d and 15th January, and 5th of February, 1776. That with the Prince of Waldeck, the 20th of April.

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without prejudicing their allegiance to their own prince; to be employed on no extraordinary service, but receive pay, forage, and provision, in common with English troops, and two months pay in advance. Each of the princes received, beside these sums, a subsidy of disproportionate amount. To the Duke of Brunswick, who supplied four thousand and eighty-four, an annual stipend of 15,519*l.* was secured, so long as his troops received pay, and double that sum in the two years subsequent to their dismission. For twelve thousand men, the Landgrave of Hesse Cassel obtained 108,281*l.* per annum, and was to receive twelve months notice of discontinuing the payment, after the forces were returned to his dominions. The Prince of Hesse, who contributed six hundred and eighty-eight men, was recompensed with an annual grant of 6,017*l.*; and for six hundred and seventy men, the Prince of Waldeck received the same sum. The dominions of the princes were also guaranteed against foreign attack. [g]

29th Feb.

On moving to refer these compacts to the committee of supply, Lord North urged the necessity by which they were occasioned. Only three questions, he said, could arise: Whether the troops were wanted? Whether the terms were advantageous? and, Whether the force might be deemed adequate to the intended operations? The reduction of America to a constitutional state of obedience being the great object of parliament, administration adopted the best and most speedy means of effecting it; men were thus obtained more easily, and much cheaper, than by the ordinary mode of recruiting; and the force thus acquired would, in all probability, compel submission, possibly without further effusion of blood.

Lord John Cavendish reprobated the measure: Britain was disgraced in the eyes of all Europe; im-

[g] See the Treaties at large in the Parliamentary Register, vol. iii. p. 287. and 504.

poverished, and what was, if possible, worse, reduced to apply to petty German states in the most mortifying and humiliating manner, and submit to indignities never before prescribed to the crown of a powerful and opulent kingdom. First, the troops were to enter into pay before they began their march; a thing unprecedented; secondly, levy money was to be allowed; thirdly, those petty princes were to be subsidised; fourthly, they *modestly* insisted on a double subsidy; fifthly, the subsidy was to be continued two years in one instance, and one year in the other, after the return of the troops to their respective countries; and lastly, a body of twelve thousand foreigners was, under the express words of the Hessian treaty, to be introduced into the dominions of the British crown, under no control either of king or parliament.

Mr. Cornwall corroborated the minister's assertion, that the pecuniary terms of the treaties were advantageous, and lower than had ever before been obtained: this assertion was strenuously denied by opposition; and Mr. Grenville, Lord George Germaine, and Lord Barrington, in defending the measure, admitted that the terms were such as the princes had prescribed, and necessity compelled the ministry to accept.

The general principle of letting out subjects to hire, to fight in the cause of foreigners, did not escape severe strictures[h]; and the expenses of the contest of which these compacts were a specimen, were anticipated as enormous.

The conduct of administration, in thus engaging the assistance of foreigners, was contrasted with that

[h] "I shall say little," Lord Irnham observed, "to the feelings of those princes who can sell their subjects for such purposes. We have read of the humorist Sancho's wish; that if he were a prince, all his subjects should be black-a-moors, as he could, by the sale of them, easily turn them into ready money: but that wish, however it may appear ridiculous, and unbecoming a sovereign, is much more innocent than a prince's availing himself of his vassals for the purpose of sacrificing them in such a destructive war, where he has the additional crime of making them destroy much better and nobler beings than themselves."

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of the Americans. "As a proof of their desire for peace, they tell you they have not called for aid on the rivals of your grandeur: in reward of this forbearance, their petition is rejected unheard; parliament is told, the King has with satisfaction received friendly offers of foreign assistance: and answer, that they will cheerfully enable him to avail himself of the offer. An American congress holds in abhorrence a measure which a British parliament adopts with cheerfulness. Perhaps the example of this very act may render their adoption of the same fatal measure unavoidable. A fatal measure; because, when foreign powers are once introduced in this dispute, all possibility of reconciliation is precluded."

Germans were peculiarly improper: they would be employed in enslaving and irritating a hundred and fifty thousand of their own countrymen, many of whom fled from tyrants to seek the protection of Britain. Many German and Indian mercenaries would desert, accept of lands, and though hired by us, league with the enemy.

These objections were not answered in detail; but the necessity of the measure was repeatedly urged; the probability of abridging the duration of hostilities, by the employment of trained veterans instead of raw recruits, was represented as sufficient to counterbalance every disadvantage, and as the expense was incurred for a limited period, the plan was really economical.

4th Mar. In the debate on receiving the report of the committee, an address was voted to the King, on the motion of Colonel Barré, for cloathing the German troops in British pay with the manufactures of this country.[i]

5th Mar. In the House of Lords. In the upper house, the Duke of Richmond moved for an address to countermand the march of the foreign

[i] The divisions were, on the question for referring the treaties to a committee, 242 to 88; for agreeing to the report, 120 to 48.

troops, and suspend hostilities. He entered into a history of the treaties concluded with Landgraves of Hesse from 1702 to 1761, shewing that they had constantly advanced in their demands, never failing to establish former extortions as precedents for succeeding exactions. He then computed that, under different heads included in the treaty, and subsequent contingencies, the charge for 17,300 men would not be less than a million and a half, an expense unprecedented in history. Toward the close of the last war, an ingenious gentleman, Mr. Mauduit, calculated that every French scalp cost the nation ten thousand pounds. It would be right to consider the price of an American scalp, when the hire of seventeen thousand foreigners amounted to a million and a half.

His Grace then stated the redundancy of officers in proportion to rank and file; the danger of keeping so many foreigners together under the command of their own generals; and depicted the exposed and perilous situation of England, should France or Spain, taking advantage of our weakness, attempt an invasion.

These observations were ably enforced by the other peers in opposition. The opinion of Sir Walter Raleigh, in his History of the World, was quoted against the employment of foreign mercenaries. "They are seditious, unfaithful, disobedient, devourers and destroyers of all places and countries whither they are drawn, as being held by no other bond than their own commodity. Yea, that which is most fearful among such hirelings is, that they have often, and in time of greatest extremity, not only refused to fight in defence of those who have entertained them, but revolted to the contrary part, to the utter ruin of those princes and states who have trusted them."

Vehement censures were expressed against the power reserved to a foreign prince of administering justice within the dominions of Great Britain, and the better to effect it, an executioner with servants

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formed part of the Hessian establishment[k]; nor was any limitation or exception to this illegal power provided, even should the civil government of America be restored. The stipulation to assist Hesse was equally reprobated: if the landgraviate was attacked in consequence of a decree of the imperial chamber, we must excuse our breach of the treaty by our minister's ignorance of the imperial constitutions, or enter into a war, like that in America, not to maintain, but subvert the liberties of the Germanic body.

In reply, the treaty was stated to be drawn up in the usual forms; the calculations did not prove the comparative dearness or cheapness of the terms: it was filled with pompous, high-sounding phrases of alliance, but they were mere phrases, the real object of the contract being, not to create an alliance, but to hire a body of troops which the American rebellion rendered necessary.

On the latter part of the motion, for discontinuing hostilities, the old topics urged against the war were advanced with additional violence, aided by such new arguments as recent events and more modern speculations could supply. Lord Camden, in a bitter phillippic, termed the war wanton, cruel, and diabolical. The Duke of Grafton, boasting his knowledge of finance, solemnly averred that there was not a single tax, in the power of the most fruitful invention to devise or conceive, that would increase the receipt at the exchequer. Every impost that could be suggested would interfere with some other already existing: if the war should continue, national credit would be ruined, and the kingdom undone. He prophesied, that when the people were bending under the pressure of taxes, public credit departed, public bankruptcy inevitable, and universal ruin and despair spreading themselves throughout the kingdom, then no longer able to endure such ca-

[k] This was really the fact. See the treaty. Parliamentary Register, vol. iii. p. 307.

lamities, and expecting no redress where only it can be constitutionally sought, they would seek relief in the means which God and nature had pointed out; no longer looking up to parliament, which had betrayed them, been deaf to their entreaties, and inattentive to their interests. He treated with contempt the supposed popularity of ministerial proceedings: the numerous addresses, so much relied on, furnished no proof. At no time, since the establishment of monarchy, did this test of public opinion manifest itself more than during the reign of James II. Addresses, congratulations, engagements to support him with life and fortune, poured in from every quarter: yet that infatuated monarch fatally discovered, in the hour of trial, that they were mere effects of ministerial art and court adulation. CHAP. XXVIII. 1776.

The population of America was pompously exhibited: Lord Effingham considered it no exaggeration, to state it considerably above four millions; their pecuniary and military resources were described as truly formidable; the probability of Spanish assistance was urged, and an invasion of Ireland by the French was treated as easy, and, from the disposition of the natives, sure of success. The Duke of Cumberland, in a short speech, declared his constant opposition to the oppressive proceedings against America, and considered the motion as full of respect and duty to the crown, and affording a basis for a happy reconciliation with the colonies.

The Earl of Coventry predicted the necessary termination of the connexion between Great Britain and America. "In the body politic," he said, "as in the natural body, the seeds of dissolution are contained in the first vital principles. Sooner or later the event must happen; and human wisdom can only extend the duration of one, as the greatest care and attention, employed on the best native constitution, may prolong the other. Look on the map of the globe, view Great Britain and North

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America, compare their extent; consider the soil, rivers, climate, and increasing population of the latter; nothing but the most obstinate blindness and partiality can engender a serious opinion that such a country will long continue under subjection to Great Britain. The question is not, therefore, how we shall be able to realise a vain, delusive scheme of dominion; but how we shall make it the interest of the Americans to continue faithful allies and warm friends. Surely that can never be effected by fleets and armies: instead of meditating conquest, and exhausting our own strength in an ineffectual struggle, we should, wisely abandoning wild schemes of coercion, avail ourselves of the only subtantial benefit we can ever expect, the profits of an extensive commerce, and the strong support of a firm and friendly alliance and compact for mutual defence and assistance."

The ministry were supported by the usual arguments on the general subject of the American dispute; the history of the colonists was traced to its origin, and their constant disposition to factious resistance clearly demonstrated.

Lord Temple, in a pathetic and judicious speech, reprobated the intemperance of opposition. "The next easterly wind," he said, "will carry to America every expression used in this debate. I do not wish that the nakedness and weakness of my country should stand confirmed by the authority and sanction of testimonies given in this house. It is a time to act, not talk: much should be done, little said: the die of war is cast, the sword is drawn, and the scabbard thrown away." Past experience could not justify confidence in administration, but he would not, by declaring our utter inability to reduce the Americans, furnish a golden bridge for an ignominious, ruinous, and disgraceful peace. "I have heard," he said, "the war called unjust. I know not who in this house has a right to call it so; not those who voted for the declaratory act: those only who denied our right of tax-

ation, and how very few were they.[l] I cannot approve of recalling troops, and publishing the terms to which you will yield, till there is reasonable assurance of their not being utterly rejected. Uncommon sagacity and discretion are necessary to the attainment of what all must eagerly wish: when the happy and favourable moment for conciliation shall arrive, I hope ministers will seize it: I wish them success: at least, at such a crisis, I will not hang on the wheels of government rendering that which already is but too difficult, the more impracticable."[m] CHAP. XXVIII. 1776.

The motion was negatived[n] by a great majority: the proposed address was entered on the journals, with the names of ten peers subscribed protesting against its rejection; but assigning no reason.

A new debate in the House of Commons was occasioned by a demand of 845,165*l.* for the extraordinaries of last year. Colonel Barré drew a ludicrous comparison between the campaign of Bunker's Hill and Lexington, and the glorious exploits of the immortal Marlborough; the forcing of the lines thrown up by a mob in a summer's night, was opposed to the victories of Blenheim, Schellenburgh, the conquest of Gibraltar and Minorca, the march of Lord Peterborough through the vast kingdom of Spain, and the impressions made by the Duke of Ormond at Vigo and Port St. Mary. Mystic river was compared to the Danube; and the operations of a war that pervaded half Europe, and in which a British army and foreigners in British pay, amounting to seventy thousand men, rendered the power and glory of the British arms immortal, was balanced against those carried on within a circuit of little more extent than the site of the British metropolis. The expense of the former did not exceed two millions, while this, including the expenses of the fleet, cost nearly three. 11th Mar. Debate on the army extraordinaries.

[l] Only five. [m] Lord Temple did not vote. [n] 100 to 32.

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Hopes of pacification were not yet renounced; or at least, the members of opposition thought proper to fortify their cause, and embarrass administration, by presenting new projects.

14th Mar. The Duke of Grafton's conciliatory proposition.

The Duke of Grafton moved for an address, beseeching the King to issue a proclamation, declaring, that if the colonies, within a reasonable time, before or after the arrival of the troops, should present a petition to the commander in chief, or to the commissioners under the late act, setting forth what they considered their just rights and real grievances; the petition should be transmitted to His Majesty; who would consent to a suspension of arms; and to assure them, that such petition should be received, considered, and answered.

Contemplating with horror, he said, the consequences of the bloody conflict, when, on whichever side victory might declare, all true friends of their country would have melancholy cause of grief; he appealed to the humanity of the house, imploring their interference to avert such dire calamities, and prevent the effusion of blood. Since the doctrine of unconditional submission had been espoused, it would be merely equitable to let the Americans know the ultimatum of the mother-country, as they might then either agree, or risk the consequences of resistance.

Examining the powers of conciliation granted to the commissioners, and comparing them with the King's speech, the duke professed himself astonished. "What does the clause say? Commissioners are to be appointed; and that is all. What are they to do? To receive submissions. Does it state what, or provide for, any conditions? Have the commissioners power to make concessions? Not one: the alternative is resistance, or unconditional submission; eternal hostility, unless America shall instantly disarm, surrender, and submit."

Declining to enter again on the policy of the conflict, the duke thought administration should possess full and unequivocal proofs of the disposition of foreign nations, before they rushed into a civil war. Little reliance could be placed on general professions; even confidential engagements, as experience had frequently shewn, served merely to amuse and deceive. France and Spain were collecting great naval and military forces; and in the last summer, two French gentlemen went to America, had a conference with Washington at his camp, and in consequence of his reference, repaired to the congress. CHAP. XXVIII. 1776.

In debating this proposition, great latitude of discussion was assumed; Lord Mansfield observed, he never saw it carried to so great an extent; almost every matter, connected with the affairs of America, was amply investigated.

The proposed measure was considered as the only one which remained to extricate the country from the inevitable destruction attendant on the romantic system of conquest and coercion; to prevent the dire conflict between resentment and despair. It proposed no terms which might embarrass administration, not even such as must be granted in terminating the war; for very few were now so sanguine as to expect that America, if subdued, could be held in peaceable subjection, under the exercise of taxation. The only plausible objection was said to be, that by receding, Great Britain would encourage America to advance more extravagant demands; but even should America not be satisfied without absolute independency, the real ground of the quarrel would be clearly and definitively understood; the sentiments of all parties would be united; administration would acquire stability, and be enabled to unfold their plan of operations; the only subject of debate would then be, whether it were best to conquer or abandon.

To urge that the Americans should not be treated with while armed, was, in fact, to refuse all treaty:

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for a whole people, engaged in what appeared to them the best of causes, who had already committed themselves so far as to incur the censures of rebellion, would not, while they retained means of defence, forego their only hope, and submit unconditionally to those whom they accused of injuring and oppressing them. The powers granted by the late act of parliament were inadequate to the commencement of a treaty; the man, who under such authority, should make a single concession, without receiving an unconditional submission or surrender, would hazard his neck. To what purpose then send out commissioners, when any treaty or intercourse would be treason against the King, the state, and the legislative rights of parliament? The people of America were declared rebels; and so described in the very act: no power could accommodate the subsisting disputes but that which announced their crime, unless they submitted unconditionally; and this was the real object in view, though concealed under the flimsy clause for appointing commissioners: it was an attempt to enlarge the powers of the crown, under pretext of asserting the rights of parliament; but parliament was, at all events, to be disgraced.

The peers in administration avowed a resolution not to cease hostilities till America should so far submit, as to acknowledge the supreme legislative authority: such was the submission they required; nor could the country with propriety concede, nor, consistently with her honour, dignity, or most essential interests, disarm or suspend operations, till the colonies acceded to this principle, and by acts of duty and obedience entitled themselves to the favour and protection of the parent-state. When the repeal of the taxes of 1767, was in agitation, America having questioned the right, it was judged expedient to retain a part of the duties till that principle was fully recognized; concessions would now be made on the ground of expediency alone: for if the right of taxation were surrendered, every other

beneficial right of sovereignty would vanish, and a total dissolution of all connexion with America must ensue; it would never be entirely abandoned, because essential to the very nature and exercise of civil government.

Ministers had been willing to suppose the disorders local, and fomented only by the delusive arts of a factious few; the people were therefore treated with kindness; every reasonable indulgence granted, and even their prejudices accommodated. In return, they regarded favours as indications of national imbecility; abused lenity and liberality; and imputed humanity and forbearance to timid backwardness and want of ability to assert the rights of the nation. The humanity, equity and policy, professed by the mover, would be best consulted in sending the armaments with the utmost expedition. Fear might exact a conduct which duty or obedience failed to inspire, and thus the effusion of blood would be spared.

Every object proposed by parliament since the commencement of disputes would be frustrated by adopting the motion. England would become the jest of Europe, and the ridicule of those very people for whom the benefit was intended. Without the hope of saving a shilling of the enormous expence attending the armaments, Great Britain would lose a campaign, of which the enemy would avail themselves, and the next spring the same course must be renewed. Nor would the force sent out preclude accommodation; it might restore the colonies to their senses, but would not prevent the reception of terms consistent with the dignity of parliament, and rights of the parent state.

The powers granted to the commanders in chief, or commissioners, were declared to be clear, sufficient, and consistent with the King's prerogative.

An attack from our habitual enemies was considered chimerical. Lord Weymouth officially assured the House, that at no time within his knowledge or

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recollection, had Great Britain less reason to be jealous or suspicious of those courts. Ministry had received repeated assurances, accompanied by unequivocal proofs of their pacific intentions; and although they should entertain sentiments diametrically opposite, it was not in their power to involve this country in a war, or impede the operations against the colonies. The two French gentlemen who visited Washington, and proceeded to Philadelphia, were travellers actuated by curiosity, or traders intent on mercantile speculation.

Lord Sandwich ably vindicated the state of the navy from several objections, general and particular. Lord Hillsborough explained, and justified his letter to the American governors in 1769. Lord Shelburne, although he spoke and voted in opposition, disclaimed the sentiments of his associates with respect to the King's prerogative of employing or disposing of his military force.[o] Lord Dartmouth, after observing that as the Duke of Grafton had framed his motion, and supported it by arguments which seemed to imply an alternative of war, for the purpose of conquest or unconditional submission, moved the previous question

[o] Lord Shelburne's opinion on this occasion deserves particular notice: he said, "The disposition of the army in particular, I predict, will be the source of great doubt, and no small contrariety of sentiment both here and in America. I however put in my claim to be understood, as by no means giving up or being willing to relinquish the right inherent in the Sovereign, of ordering, directing, and stationing the army in whatever part of the empire he may think proper; and I confess it is with no small astonishment and uneasiness, I have heard doctrines of a very different nature maintained within this House by several lords, whose more particular business it is to watch and take care that His Majesty's just prerogatives be maintained entire and undiminished in all their parts. I particularly allude to the transactions in Ireland, and the language held by the parliament of that kingdom. When I hear it asserted that the military force of this empire is to be divided into separate establishments, not under the immediate controul of the Sovereign; when I hear it maintained that it is not competent for His Majesty to send foreigners, under the sanction of a British parliament, into any part of the empire for its particular defence, or for the safety of the whole; when I hear that a certain local military establishment is fixed, and, as it were, locked up in Ireland, so ▬ not to be called forth, ▬ the exigencies of affairs may require; I cannot forget my duty so much ▬ to be silent, and not to express my most hearty disapprobation of doctrines so derogatory to the prerogative of the crown, and the controuling and superintending power of the British parliament."

in preference to a direct negative. The duke's motion was lost[p], and no protest entered on the journals.

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Mr. Hartley, afterward, presented to the House of Commons the form of an address for empowering the commissioners to offer to the Americans some specific line of rational obedience, instead of unconditional submission; to give assurance of redress of grievances, with full security of all constitutional and chartered rights, and to issue a proclamation promising that they should be placed on the same footing with Ireland, in regard to pecuniary grants.

1st April. Mr. Hartley's proposition.

Sawbridge, who had succeeded Wilkes in the office of lord mayor, by the instruction of his constituents, moved, in conformity with Mr. Hartley's suggestion, to place the American colonists in the same situation as the people of Ireland. In the debate more heat than judgment was displayed: Mr. Temple Luttrell styled the King's speech a sanguinary parole, the ministry an infernal administration, and declared he should in future consider acquiescence and quietude unworthy of a British soul, and highly criminal. Thales of Miletus, one of the seven sages of Greece, he said, had observed, that of all wild beasts the worst was a tyrant; of tame ones, a flatterer. When he surveyed His Majesty's efficient ministers, his domestic minions, he wished, like another Orpheus, to play up a second dance in the midst of this menagerie, so as to send them scampering from the rich pastures of a court, to their native tramontane fastnesses. This pedantic ribaldry produced only some smart animadversions from Mr. Rigby, and the motion was negatived. [q]

10th May. Sawbridge's motion.

The intelligence received from America in the course of the session, gave rise to several motions for inquiry and papers. The first effort was made by Mr. Fox, who, assuming for argument, that the principles by which ministers were actuated were perfectly just,

Mr. Fox's motion for a committee of inquiry, 20th Feb.

[p] 91 to 31.

[q] 115 to 33.

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contended that their mismanagement and misconduct were indisputable. He reviewed historically the coercive plan, and placed in the strongest lights, what he styled folly in the cabinet, ignorance in office, inability in framing and misconduct in executing; with such a shameful and servile acquiescence in parliament, as never before disgraced a nation. If ministers had planned with wisdom and proportioned the force to the service; if the great officers in efficient departments had acted ably and faithfully, the miscarriages might be deservedly imputed to the naval and military commanders. If, on the other hand, the latter acquitted themselves according to their instructions, and carried on their operations in proportion to their force, it was no less plain, that the cause of all the disgraces which the British arms had suffered, arose from ignorance in those who planned, and incapacity and want of integrity in those to whom the execution was in the first instance, entrusted. His motion was for a committee to inquire into the causes of the ill success of His Majesty's arms, and the defection of the people of Quebec.

The chief aim of opposition seems to have been a justification of the American invasion of Canada; the previous question was moved early in the debate. The principal objections to the inquiry were the unfitness of the time, the unfortunate situation of ministers, who had preferred trying measures of lenity to absolute force, and had thus afforded the Americans many advantages. A powerful fleet and army were now to be employed, and would doubtless crush the rebellious, or bring them back to a proper sense of duty. The minister appealed to the candour and recollection of the House: nothing had been transacted in a corner, but openly, and under the sanction of their repeated approbation. It was not candid, in an early period of the dispute, to state objections against the conduct of administration, which were only applicable to a state of hostility

and open rebellion; the ground was changed, and the measures would necessarily vary. CHAP. XXVIII. 1776.

Mr. Fox's proposition was rejected. [r]

In this active session, opportunities were found of urging other topics beside those which most interested the nation. Bills were introduced for the improvement of police and social regulation, and the relief of insolvent debtors. Some transactions at the late general election, which were disclosed in consequence of the petition of Mr. Mortimer against the return for Shaftesbury, afforded grounds for new speculations on the subject of representation. Alderman Sawbridge made his annual motion respecting the duration of parliament, and Mr. Wilkes, beside his accustomed attempt to reverse the decision on the Middlesex election, brought forward a project of parliamentary reform. Miscellaneous transactions. 6th Mar. and 30th April. 21st Mar.

He explained, as his general outline, that every free agent in the kingdom should be represented in the senate; that the metropolis, which contains a ninth part of the population, and the counties of Middlesex, York, and others, which abound with inhabitants, should receive an increase in their representation; that the mean and insignificant boroughs, so emphatically styled the "rotten part of the constitution," should be lopped off, and the electors thrown into the counties; and the rich, populous trading towns, such as Birmingham, Manchester, Sheffield, and Leeds, be permitted to send deputies to the great council of the nation. The long speech which recommended this crude proposal, was replete with ribaldry and invective, and the motion for leave to bring in a bill was negatived without a division. Wilkes's motion for reform of parliament.

The Lords were occupied on the trial of the Duchess of Kingston for bigamy; she was found guilty; but being exempted by the privilege of peerage from corporal punishment, was discharged on paying the fees. 15th April. Trial of the duchess of Kingston.

[r] 240 to 104.

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22d May. Motion for inspection of the powers of commissioners.

23d May. Against prorogation.

Although the affairs of America had been abundantly discussed during the session, an ineffectual attempt was made by General Conway, on the day before the prorogation, to carry a motion for submitting to the inspection of the House, the pacific authorities with which the commissioners were invested; and when the King was expected in the house of lords, Mr. Hartley proffered a motion, which was negatived, for an address that parliament might not be prorogued, but continue sitting by adjournments during the summer, that they might be ready to receive information, and provide at the earliest moment for every important event.

King's speech.

In terminating the session, the King represented the country as engaged in a great national cause, the prosecution of which must inevitably be attended with many difficulties and much expence; but considering that the essential rights and interests of the whole empire were deeply concerned in the issue, and no safety or security could be found but in the constitutional subordination contended for, no price could be too high for the preservation of such objects. He still entertained hopes that his rebellious subjects might be awakened to a sense of their errors, and, by a voluntary return to duty, justify him in bringing about the favourite wish of his heart, the restoration of harmony, and re-establishment of order and happiness in every part of his dominions.

His Majesty also informed parliament, that no alteration had happened in the state of foreign affairs since their meeting, and dwelt with pleasure on the assurances he had received of the dispositions of the European powers, which promised a continuance of the general tranquillity.

View of the conduct and politics of foreign powers.

To place implicit belief in these promises or appearances, at a moment when Great Britain was engaging in a formidable and extensive civil war, would perhaps have been extremely imprudent. The assurances of nations toward an envied and hated

rival can never inspire unlimited confidence, and they were rendered suspicious by the positive boast of the Americans, that it was in their power to obtain foreign assistance. The triumphant conclusion of the last war, so mortifying to the pride of the house of Bourbon, rendered it probable, that the courts of France and Spain, rejoicing in the prevailing misunderstanding between Great Britain and her colonies, would by all indirect means, foment and encourage them; and perhaps, should hostilities be long protracted, take an active share. There was, however, no immediate danger of a rupture. The impression made during the last war, proving the inefficiency of the family compact, was not likely to be soon removed; nor did the prospect of taking arms in favour of the American insurgents tender any lure of advantage to induce the natural enemies of Great Britain willingly to engage in the contest. No indemnities could be offered, no hopes of aggrandizement were presented; and notwithstanding the flattering prospect of humbling a haughty rival, the inclination to interfere between the mother-country and the colonies would be repressed by considering that reconciliation was not yet desperate, and in such an event the officious intermeddlers would be left unsupported to sustain the combined resentment of both. A sudden junction of France or Spain with the Americans was not to be dreaded, as common prudence would dictate restraint, or at furthest, limit them to mere covert or equivocal assistance, till the resources and strength of each party were fully tried, and the breach become irreparable.

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France.

Nor did the peculiar state of either country furnish reasons for expecting the commencement of hostilities. The last years of Louis XV. were marked with the weakness and violence of a poor, proud, and tyrannic government. The accession of his grandson Louis XVI.[s] was hailed as an event promising the

[s] 10th May 1774.

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most beneficial consequences to the nation. His amiable youth, integrity of character, and love of virtue, inspired sanguine hopes of a prosperous reign; his marriage with Marie Antoinette of Austria, daughter of the empress queen Maria Theresa, and sister to the emperor of Germany, was regarded as the means of extinguishing the inveterate animosity which had so long rent France and Austria, and both the king and queen were objects of popular adoration. Louis removed an odious administration, reinstated the parliaments suppressed by the late king, exerted his efforts to relieve the distress occasioned by a scarcity of grain, and shewed a merciful mind in the alterations of penal laws. The friendly disposition of the French government toward Great Britain had been unequivocally demonstrated, and the expectation that succour would be afforded to the Americans was suppressed by an edict prohibiting all intercourse with them.[t] Opposition, however, in the late session of parliament, reasoning as well from general system as from information which they professed to have received, often considered the interference of France as certain. The idea of foreign danger, it was observed, might be thought visionary, but France and Spain were both arming, and could not, in fact, avail themselves of a better opportunity. The French ministry was changed, and the queen, who was supposed to have great influence in that event, was said to be biassed by Choiseul, the lover of war, and the great enemy of Britain.[u]

The armaments which excited so much jealousy were alleged, on the other hand, to be for the purpose of defence, and in the view of assisting Spain against the Algerines, or against Portugal, according to the terms of the family compact. The influence of the queen was not extensive, being counteracted by that of the king's aunts, who were decidedly inimical to Choiseul; and the first appointment of ministers,

[t] In April 1775.

[u] See General Conway's speech in the House of Commons, 22d May 1776.

both domestic and foreign, gave surprise to the court of Vienna, who saw almost every individual whom the queen was supposed to favour, and whose nomination would have been agreeable to her mother, excluded from the cabinet. CHAP. XXVIII. 1776.

Spain, possessing immense and valuable settlements in America, could not, on any principle of sound policy, be supposed capable of fomenting and abetting the rebellion of adjacent colonies; and the British ministry, confidently relying on the effects of force in speedily reducing the insurgents to submission, surveyed without alarm those circumstances on which opposition founded the most ominous forebodings. Spain.

Other powers, whose immediate interference in the affairs of Great Britain was not expected, regarded the American contest with a degree of interest suited to the magnitude and novelty of the crisis, and with such sentiments as their attachment to, or hatred of, the British government suggested. The people in most countries appeared to participate in sentiment with the Americans, but the sovereigns, in general, displayed no disposition to sanction by their approbation, a mode of conduct so ruinous to the interests of every government. The emperor, Joseph II. with dignified magnanimity, gave at once a decided reproof to all who expected that he should favour, even by tacit compliances, the cause of insurrection. The ports of the Low Countries were shut against the vessels of America, and all intercourse with them was strictly prohibited. At an audience obtained by the British embassador, the emperor expressed, in the strongest manner, his opinion of the justice of the English proceedings, his high sense of the personal worth of the King, and a conviction that success in reducing the Americans was of the utmost importance to all the regular governments in Europe. "The cause in which the King is engaged," he said, "is in fact, the cause of all sovereigns, who have a joint interest in the maintenance of a just sub- Austria.

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ordination and obedience to law, in all the monarchies which surround them.[x] He saw with pleasure the vigorous exertions of national strength which the King was employing to reduce his rebellious subjects, and sincerely wished success to those measures." The empress queen expressed, with no less warmth, her determination to maintain the good understanding between the two crowns, and to prohibit all transactions by which her subjects should seem to afford assistance to the colonies, or give umbrage to the King. She had a high esteem, she said, for the King's principles of government, a sincere veneration for his political character, and a hearty desire to see obedience and tranquillity restored to every quarter of his dominions. Her friendship for the King, and hereditary affection for the royal family, had never abated, though a difference in political opinions, the source of which she could not help attributing to the King of Prussia, had, for a considerable time, diminished the opportunities of an interchange of good offices.[y]

Prussia.

The King of Prussia, retaining his original resentment for the loss of his subsidy, unequivocally disapproved the conduct of administration, though he did not affect to justify the Americans, or wish ultimate failure to the mother-country. "It was a difficult thing," he said, in a conversation with some English gentlemen, "to govern men by force at such a distance; if the Americans should be beaten, which appeared a little problematical, still it would be next to impossible to continue to draw from them a revenue by taxation: if you intend conciliation," he added, "some of your measures are too rough; and if subjection, too gentle. In short, I do not understand these matters; I have no colonies. I hope you will extricate yourselves advantageously, but I own the af-

[x] Conformable to this sentiment is the expression related by Dr. Moore, "Je suis par Métier royaliste." View of Society and Manners in France, &c. v. ii. letter 96.

[y] From private information.

fair seems rather perplexing."[z] Frederick could not by active interference influence the dispute, and the habitual jealousy between his court, and that of Vienna, operated as a constant restraint; but he was engaged in secret intrigues in every quarter, to counteract the interests, and embarrass the government of Great Britain.[a]

[z] Moore's View, &c. v. ii. letter 75.

[a] In the works of the King of Prussia, the affairs of England are treated in a manner which displays at once the ignorance, malice, and presumption of the writer. He was from the beginning of the present reign intirely unacquainted with the politics of Great Britain, and viewed the conduct of its Sovereign and ministers only through the medium of resentment and prejudice. It is fit the *whole* extract containing his opinions on the origin and conduct of the American war should be given, that the reader may judge how little reliance can be placed on the information of this royal philosopher, in matters not immediately subject to his own inspection. After discussing the state of France in 1775, he says, that from a constant spirit of rivalship with England, she saw with pleasure the rising troubles in the American colonies, encouraged, underhand, the spirit of revolt, and animated the Americans to maintain their rights against the despotism which George III. was endeavouring to establish, by exhibiting a prospect of succours to be expected from the friendship of the most Christian king. "The court of London," he proceeds, "exhibits a picture totally different from that we have been sketching. Bute, the Scotchman, governs the King and realm; like those evil working spirits who are always talked of, but never seen, he shrouds himself, as well as his operations, in impenetrable obscurity; his emissaries, his creatures, are the springs with which he moves, at his pleasure, the political machine. His political system is that of the ancient tories, who maintain that it is essential to the welfare of England that the King should be invested with despotic authority, and that, *far from contracting alliances with the continental powers, Great Britain should limit herself solely to the extension of her commercial advantages. Paris, in his contemplation, is what Carthage was to Cato the Censor. Bute, if it were in his power, and he could collect them, would destroy in one day all the ships of France.* Imperious and harsh in his government, little solicitous in the choice of means, his aukwardness in the conduct of affairs is superior even to his obstinacy. This minister, to accomplish his grand views, began by introducing corruption in the House of Commons. A million sterling, which the nation annually pays the King for the maintenance of his civil list, was hardly sufficient to gratify the venality of the members of parliament. This sum, intended for the expences of the royal family, the court, and embassies, was annually employed in stripping the nation of its energy; *George III. had nothing left for his subsistence, and the support of the royal dignity at London, but five hundred thousand crowns, which he drew from his electorate of Hanover.* The English nation, degraded by its Sovereign himself, appeared to have no will but his; but as if all these provocations were not sufficient, Lord Bute attempted a more bold and decisive blow, for the establishment of the despotism he had in view; he induced the King to tax, by arbitrary imposts, the American colonies, as well for the augmentation of his revenues, as to establish a precedent which in a course of time might be imitated in Great Britain; but we shall see that the consequences of this act of despotism did not answer his expectations. The Americans, whom England had not condescended to corrupt, openly opposed this taxation, so repugnant to their rights, their customs, and above all, to the liberties they had enjoyed since their first establishment. A prudent government would have hastened to appease these rising troubles, but the English ministry were guided by other principles; they stirred up new commotions with the colonies,

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1776. State of the press in England.

In England, however, the Americans, had their most powerful and active allies; the press teemed with publications favourable to their cause; the dissenters generally declared in their favour; and all the zeal and artifice of faction were employed in augmenting the number of their adherents.

Dr. Price's publication.

The most conspicuous publication in their interest was from the pen of Dr. Richard Price, an eminent dissenting minister, called, "Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America, and a State of the National Debt; an Estimate of the Money drawn from the Public by Taxes, and an Account of the National Income and Expenditure since the last War." Proceeding to the full extent, or rather exceeding the limits marked out in this ample title, the author studiously endeavoured to depreciate, every part of the English government, and extol the spirit which engendered the American revolt. His means were simple and uniformly applied. In

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on account of the merchants who monopolized certain East India merchandizes, which they wanted to compel the Americans to purchase. The harshness and violence of these proceedings, completely roused the Americans; they held a congress

1775. at Philadelphia, where, renouncing the yoke of England, now become insupportable, they declared themselves free and independent. From this time we see Great Britain engaged in a war with her colonies; but if Lord Bute shewed himself inexpert in the conduct of this affair, he appeared still more so when the war began. He simply (*bonnement*) imagined that seven thousand regular troops were sufficient for the subjugation of America, and as he was not quite so good a calculator ■ Newton, he was always deceived. General Washington, whom at London they stiled the leader of the rebels, obtained, at the beginning of hostilities, some advantages over the royalists assembled near Boston. The King, who expected to hear of victories, was surprized at the news of this check, and the government was obliged to change its measures." See Œuvres complettes de Frederick II. Roi de Prusse, vol. iv. Tit. Memoires depuis la Paix de Hubertsbourg, 1763, jusqu'à la fin du Partage de la Pologne en 1775, Ch. iv. The extract, given without suppression, addition, or falsification, will sufficiently shew how little the author understood the history, government, and politics of England. It must excite a smile to imagine the surprize of an English reader who takes these things for true, at finding the system of *Lord Bute* and the *tories* so consistent with his own prejudices, and at hearing that the splendour of the British court was supported by a revenue derived from the electorate of Hanover. It would be a waste of criticism to expose the historical and chronological errors in this extract, or to expatiate on the impudence or malevolence by which it is dictated.

speaking of England, he never assumed a grand or expansive view of the constitution or government; but guided the attention of the reader to some isolated part, some solitary proposition, which being taken separately from its intimate connexions and relations, afforded subject of exaggerated censure, or unqualified misrepresentation. In speaking of America, on the contrary, he rarely descended to particulars, but took an extensive range among abstract principles, and treated government, liberty, and colonization, not as practical topics, but as subjects of theoretical examination. His work is written with all the art of profound premeditation, and all the heat of unextinguishable animosity against the government of Great Britain. Many publications appeared on the other side from the most able pens[b]; but Dr. Price's pamphlet, though now deservedly neglected, was extolled by the clamour of party, as it afforded topics, till then not much relied on, for justifying the Americans, not only in their present proceedings, but as to their further intentions, whether directed to independence or foreign alliance. The author received the utmost homage which party could bestow; to him was attributed the praise of shewing that the national credit was precarious, and exciting distrust by the manner in which he treated of the loans made from the bank to government. His essay was circulated with profusion and industry, and being translated into the Dutch language, was supposed to influence the Hollanders in withholding their property from the British funds.[c] It was often triumphantly quoted in parliament: the Duke of Cumberland complimented the author in person[d], and the common council in London voted

Its effects.

[b] Among the most conspicuous of these may be enumerated, Taxation no Tyranny, by Dr. Johnson; the Administration of the British Colonies, by Governor Pownall; several excellent tracts by Dr. Tucker; and the Rights of Great Britain asserted, by an anonymous writer.

[c] See History of Lord North's Administration, p. 232.

[d] The Duke of Cumberland, seeing Dr. Price in an anti-chamber in the House of Lords, expressed his approbation of the treatise which he had just then published,

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him thanks, and presented the freedom of the city in a golden box.

14th Mar. Re-establishment of tranquillity in the city.

Yet these effects were not of considerable duration; applause often repeated grew languid, and ceased to gratify, even the zeal of party; and whatever temporary alarm might have been excited, soon subsided in the calm of experienced security. The city of London was daily recovering from the disease of factiousness, which had so long raged without controul; and all the efforts of two successive lord mayors, Wilkes and Sawbridge, were insufficient to keep up, to the desired height, the frenzy of party.

24th June.

Mr. Wilkes, twice foiled in an attempt to be elected chamberlain, vented his spleen in a severe invective against the whole corporation. "By the late transactions," he said, "the moment seems at length arrived, so ardently wished by every arbitrary administration, when a majority of the livery appear to have sold and surrendered the capital to the ministry. By the creation of so many unnecessary lucrative offices, the division and sub-division of contracts, the threats of the opulent and insolent to necessitous and dependent tradesmen, and all the captious promises of power, the greater number of the livery seem at present either lulled into supineness and a fatal security, or enrolled among the mercenaries of corruption and despotism: no longer worthy the name of freemen, they are sunk into tame, mean vassals, ignominiously courting, and bowing their necks to, the ministerial yoke. Such, it gives me pain to think, is the faithful, but melancholy picture of this once free and independent city. All public spirit in the capital is visibly decaying, and that stern, manly virtue of our fathers, which drove from this land of

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adding, that he had sat up so late the night before to read it, that it had almost blinded him. Mr. Dunning observed, he was sorry His Royal Highness should be affected by a work which had opened the eyes of the greatest part of the nation.

freedom

freedom the last Stuart tyrant, is held in contempt by their abandoned offspring. A dissolution of the empire, ruin, and slavery, are, I fear, advancing with giant strides upon us. We are ripe for destruction. If we are saved, it will be almost solely by the courage and noble spirit of our American brethren, whom neither the luxuries of a court, nor the sordid lust of avarice in a rapacious and venal metropolis, have hitherto corrupted."

CHAPTER THE TWENTY-NINTH.

1775—1776—1777.

Transactions in America.— Efforts of General Howe.— State of the American army.— Inactivity of the British army.— Washington takes possession of Dorchester Heights.— Evacuation of Boston.— Severities against loyalists.— Campaign in Canada.— Exertions of congress and of Arnold.— Carleton makes a sally.— Blockade of Quebec raised.— Action at Trois Rivieres.— The Americans evacuate Canada.— Great exertions on both sides to prepare naval force.— The American fleet defeated and destroyed.— Proceedings in North Carolina.— Loyalists defeated.— Expedition to Brunswick.— Unsuccessful attempt on Sullivan's Island.— Proceedings in congress.— Efforts to attain independence.— Publications.— Common Sense.— Congress recommend to several colonies to new-model their governments.— Proceedings in Maryland — Philadelphia — Virginia.— Declaration of rights.— Discussion of independency;— it is carried.— Declaration of independency.— Its reception by the people and the army.— British plan of campaign.— Arrival of Lord Howe.— Attempt to negotiate with Washington.— Resisted on a plea of form.— Further efforts.— Letter to Franklin.— Battle of Brooklyn.— Retreat of the Americans to New York.— Renewed negotiation.— Committee of congress confer with the British commissioners.— Treaty terminated.— Declaration of the commissioners.— Preparations for the attack of New York.— Capture of the city, which is set on fire by American incendiaries.— Battle of White Plains.— Capture of Fort Washington.— Successful invasion of New Jersey.— Disposition of the British troops in winter quarters.— Expedition to Rhode Island.— Capture of General Lee.— Exertions of congress.— Articles of confederation.— Other measures.— They retire to Baltimore.— Miserable state of the army.— The Hessians stationed at Trenton surprised by Washington.— Lord Corn-

wallis returns to the British army. — Washington surprizes Princeton — and recovers the Jerseys. — General observations on the campaign.

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GENERAL HOWE, on being invested with the chief command at Boston, exerted himself in alleviating the distresses felt by his troops from the want of necessaries; but his efforts were not attended with success: the vessels dispatched to the West Indies returned with only scanty supplies; the horrors of an American winter were augmented by a want of fuel; many of the vessels sent from England with coals were lost or captured, and the timber of buildings was used as a substitute. 1775. Efforts of General Howe.

The Americans, however, were in still greater distress: unused to subordination, divided in opinions respecting the ultimate views of their leaders, loathing inactivity, and regretting the loss of domestic enjoyment, they looked forward with impatience to the period when the termination of their agreement to serve should enable them to revisit their own roofs. Large companies solicited leave of absence, which the commanders dared not refuse, lest a total disregard of subordination should ensue. Dr. Franklin and two other members, deputed by congress to the camp at Cambridge, as a committee to concert with Washington the means of organizing a new force for the ensuing year, found unexpected and discouraging difficulties. The experience of a year's service had cooled the ardour of enterprize, and abated the confident hope of speedy success; the recruiting was slowly effected, and the Connecticut troops, whose term of service first expired, quitted the army.[a] The accession of recruits was prevented by fear of the small-pox: the whole force under Washington did not, at the close of the year, amount to ten thousand, but State of the American army. Dec. 1775.

[a] On their way home several were arrested by the country-people, and compelled to return.

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was shortly afterward augmented to about seventeen thousand, by drafts from the militia.[b]

17th and 18th Jan. 1776. Their wants.

Another cause of alarm and distress to the besiegers of Boston was derived from the deficiency of military stores, which no art could palliate, and no exertion wholly relieve. The coast of Africa was deprived of its stock of powder by a well concerted purchase, and a considerable quantity was seized on board a vessel near the bar of St. Augustine. One Hopkins also, by a bold and successful expedition to Providence, one of the Bahama islands, procured some valuable artillery; but all these acquisitions were only partial and temporary resources: extensive supplies could not be obtained, the manufacture of gunpowder directed by congress proceeded with discouraging tardiness, and, even when individuals were obliged to give up their arms for the public service, two thousand of the infantry still remained unsupplied.

Inactivity of the British army.

While such was the relative situation of the opposed armies, it afforded much reasonable ground of surprize, that General Howe should remain pent up in Boston, and make no military effort to relieve the miseries of his own troops, and crush the hopes of the Americans. He was not ignorant of General Washington's distresses, and this want of enterprize enabled his opponent to boast of his own exertions and situation as unparalleled in the annals of history; he had maintained his post for six months without powder; and at the same time had disbanded one army, and recruited another, within musket shot of more than twenty British regiments.[c]

Prudence of Washington.

In this interval, the American general often felt the approaches of despondency, and intimated apprehensions in respect to the necessity of an accommodation with the mother-country[d]; yet he was never deserted

[b] Ramsay, v. i. p. 258. Washington's Letters, v. i.
[c] Washington's Letters, v. i. p. 71.
[d] Washington's Letters, v. i. p. 84—91.

by his courage, or by that more rare quality of perseverance, which presses forward with manly firmness toward its ultimate object, nor deterred by dangers, or goaded into injudicious exertion by peevish clamours or petulant reproaches. Many of these assaults General Washington endured with undisturbed serenity; it was alleged that vigorous efforts would succeed in expelling the English from Boston, and he was accused of delaying effectual exertion for the sake of prolonging the period of his command. When his army was sufficiently reinforced to justify the risk of a decisive measure, a council of war resolved, as the most effectual means of expelling the English before the arrival of succours, to obtain possession of Dorchester Heights.[e]

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Feb. He takes possession of Dorchester Heights.

General Clinton had frequently remonstrated with General Gage and his successor, on the importance of this post; but as Boston was to be evacuated, and a more central position assumed, no attention was paid to this object. General Washington, for a feint, commenced a bombardment of the town on other points, which, from the unskilfulness of his engineers, and the deficiency of powder, excited more derision than alarm; but the garrison was suddenly surprized by observing the heights of Dorchester fortified with lines of defence, of which, on the preceding evening, not the smallest indications had appeared. This masterly manœuvre was performed in one night, by a body of two thousand men under General Thomas, who carried on their operations with equal zeal and diligence, and with such profound silence, as to prevent suspicion, and ensure success.

5th March.

4th March.

A violent storm and flood prevented an intended attack on the heights, the ascent to which was almost perpendicular, and the enemy, as a means of defence, had chained together hogsheads filled with stones, intending to roll them down on the heads of the assailants: these complicated difficulties, and a remon-

[e] Ramsay, v. i. p. 261.

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1776. Evacuation of Boston.

17th Mar.

strance from the admiral that the ships could no longer remain secure in the road while the enemy retained the heights, occasioned the evacuation of Boston. Nearly a fortnight was spent in preparing for the embarkation, during which the enemy offered no molestation. The British army, together with a great number of refugees, speedily arrived at Halifax.

Severities of Washington.

On taking possession of the town, General Washington confiscated the estates and effects of emigrants, tried the royalists as public enemies and betrayers of their country, and sequestered their effects for the public service. His entry exhibited all the pomp of victory. The provincial legislature complimented him with an affectionate address; and congress accompanied their vote of thanks with an honorary medal.

Observations.

Under all circumstances, the retreat from the capital of Massachuset's Bay was dishonourable and disadvantageous to the British arms. Although it had been resolved to abandon that position, yet the disgrace of being compelled to retire was unnecessarily incurred. The credit of enterprize, and fame of achievement accruing to the enemy, were of the highest importance to a people yet in the rudiments of the military profession, doubtful of their own strength, rather daring than confident, qualified only for sudden exertion, unimproved by practice, and unrestrained by discipline. But acquisitions more solid than these speculative advantages, arose from the precipitate evacuation of Boston: the barracks were uninjured, the cannon were only in part rendered unfit for immediate service, immense stores were left untouched [f], and not a dwelling was damaged, except those which had been consumed for fuel. Thus was Boston, the cradle of revolution, and the primary

[f] The ordnance and stores thus abandoned consisted in 250 pieces of cannon, half of which were serviceable, 4 thirteen and a half inch mortars, 2,500 chaldrons of sea coal, 25,000 bushels of barley, 600 bushels of oats, 100 jars of oil, and 150 horses. This large supply was of the utmost importance to the enemy, who were labouring under the greatest want both of stores and provisions.

object of parliamentary vengeance, left to the possession of the enemy, rather improved than injured by the residence of a royal army, and thus the Americans received the means as well as the earnest of further success.

From the circumstances attending this event, it has been asserted, that a compact was entered into between the opposing generals, granting a suspension of hostilities during the embarkation, as the price of forbearing to injure the town. The existence of such a convention, always denied by the British ministry, is amply disproved by the testimony of General Washington himself, who assigns clear and satisfactory reasons for not attacking the royal army.[g] Many vessels, which arrived after the evacuation, fell into the hands of the enemy; those laden with stores were a valuable acquisition; ships were stationed off Boston to prevent such accidents, but from the peculiar situation of the harbour, the captains were not always able to effect their orders.

Campaign in Canada.

Since the death of General Montgomery, the interests of the Americans had suffered a rapid declension in Canada. The intelligence of his success inspired congress with unbounded hopes; and even after his fall, some measures were proposed, but negligently pursued, for giving effect to his measures. Specie was voted, and a small sum obtained; reinforcements were decreed, but the levies were sparingly filled; an address was framed by congress; printers and preachers were dispatched to propagate the American system in Canada; and a deputation, headed by Dr. Franklin, was appointed for the purpose of luring the people into an association, by a promised participation in all the advantages of the confederacy, the freedom of religion, and peaceable possession of ecclesiastical property.[h]

Exertions of congress.

19th Jan.

[g] Washington's Letters, v. i. p. 106, 107, 108.

[h] Ramsay, v. i. p. 265, et seq.

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Exertions of Arnold. 11th April.

Before the breaking up of the frost, Colonel Arnold was joined by six companies of a new raised regiment under Arthur St. Clair; but although his spirit and activity had enabled him, with the small residue of the invading army, to keep Sir Guy Carleton in continual alarm, his resources were inadequate to the extent of his enterprize; and the misconduct and brutality both of officers and soldiers, completed the alienation of the natives. The small-pox spread among the troops with such virulence, that when their nominal muster amounted to three thousand, not above nine hundred were fit for duty. Colonel Arnold, however, erected batteries on the shores of St. Lawrence to fire the shipping, made an irruption into the suburbs, and burned a few houses; but was repulsed, and the vessels remained uninjured.

Carleton makes a sally.

6th May.

Reinforcements being daily expected from England, and the impracticability of making an effectual impression on the city being sufficiently proved, the American generals became anxious to retire. They were taking measures for this purpose, when the Isis man of war and two frigates, the first which arrived from England, with great labour, conduct, and resolution, forced their way through the ice, not yet deemed passable, and cut off all communication between parties on different sides of the river. General Carleton, availing himself of their consternation, made a sally. The Americans were already retreating, the confusion soon became general, and they fled unresisting on all sides, leaving their artillery, stores, scaling-ladders, and every other incumbrance, and solicitous only for personal safety. As the King's troops could not pursue, the slaughter was inconsiderable; a few sick fell into the hands of the victors, and some small ships of war, having worked their way up the river, took and recaptured several vessels. The Americans, in a few days, were collected at Sorel.

Thus was the siege or blockade of Quebec raised, after a continuance of five months. To the excellent

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military conduct of Sir Guy Carleton, great applause is due for the preservation and deliverance of the place: his humanity and prudence are equally admirable. Learning that several fugitives were concealed in the woods, he issued a proclamation, assuring them and his prisoners of relief, protection, and safe conduct to their place of residence. This conduct was not imitated by the Americans, whose treatment of the British captives was harsh, and wantonly cruel.[i]

Blockade of Quebec raised. Carleton's humanity.

A small party of British and Indians, under the command of Captain Foster, proceeded from a post called Oswagatchie, and captured the Cedars, situate about thirty miles from Montreal: in several subsequent skirmishes, many prisoners were made, whom the Indians were with difficulty prevented from butchering according to their custom; but when a cartel was arranged between Captain Foster and Colonel Arnold, congress refused to ratify it on a false and unfounded pretence that their prisoners had been treated with inhumanity.[k]

May.

Reinforcements from Ireland and England, a detachment from General Howe, and another of foreign troops, having augmented the army in Canada to thirteen thousand men, Sir Guy Carleton pursued the rout of the Americans to Trois Rivieres, a village in the midway between Montreal and Quebec. The enemy in their retreat had also met some succours sent by congress, and attempted at this place to surprize the royal forces. This project was at once rash and desperate, but the shame of failure in the invasion of Canada, the importance of retaining it, and the necessity of employing the troops in some decided action, influenced General Thomson, who was now commander in chief, to essay the perilous enterprize. The divided state of the royal forces alone presented a prospect of success. A considerable body was stationed at Trois Rivieres, under Brigadier General

May. Action at Trois Rivieres.

[i] Stedman, v. i. p. 169. Washington's Letters, v. i. p. 146.

[k] Stedman, v. i. p. 175. Washington's Letters, v. i. p. 284, 285.

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Frazer; another portion commanded by Brigadier General Nesbit, lay near them on board the transports, while a far greater number, under Carleton, Burgoyne, Philips, and the German General Reidesel, were scattered on the land and water in the way from Quebec. General Thomson proceeded with the utmost caution, coasting in the night, and concealing his forces by day. On landing, however, his troops were discovered by a peasant; and General Frazer was enabled to make preparations for repelling the attack. The Americans, notwithstanding their hopes of success, by surprize were frustrated, behaved with great spirit, and secured a retreat, though not without considerable loss. Thomson himself, with about two hundred of his men, were taken prisoners. Colonel St. Clair, who succeeded in the command, with equal judgment and intrepidity extricated the army from their perilous situation, and in a few days, after experiencing many hardships, they joined the main body at Sorel. General Carleton pursued, but not with sufficient alertness; for when his first division arrived at Sorel, the enemy had already evacuated it two hours.

8th June.

Americans evacuate Canada.

General Sullivan, who conducted the retreat from Canada, led his troops through a difficult and dangerous tract of country, and, in the face of a superior force, effected their safety, preserved their cannon, baggage, and stores, and brought off a numerous body of sick. The Canadians, who had been seduced into the interest of the invaders, pursued their retreat with expostulations and reproaches, but their complaints met with little attention.

1st July. Great exertions of both armies to prepare a fleet.

The American army crossed lake Champlain, and reached Crown Point; General Gates had been appointed to command them, but on learning their ill success, he remained within the province of New York. The Americans having effected their retreat, employed themselves under Colonel Arnold, with the utmost diligence in equipping sixteen vessels, carrying

22d Aug.

ninety guns, for the purpose of commanding lake Champlain. By direction of the General they were constructed to row or sail, like those used in the Mediterranean, and the whole armament was under his command. CHAP. XXIX. 1776.

Sir Guy Carleton was equally occupied in the creation of a fleet, and the preparation of batteaux to carry his army across the lakes. Assisted by the able and indefatigable exertions of General Philips, who commanded the artillery, Commodore Douglas, Captain Pringle, Lieutenants Schanks, Dacres, Pellew, Longcroft, and Fawkener, of the navy, he collected a flotilla of five armed vessels, and twenty-two gun-boats, carrying eighty-seven guns. The armed vessels were manned by naval officers and seamen: the gun-boats, by the British and Hessian artillery, under their own officers, with merchant seamen to row them. The command of the whole was intrusted to Captain Pringle with the rank of Commodore: and on board his vessel, Sir Guy Carleton went as a passenger. September.

The enemy having advanced to Point-au-fer, the flotilla, by great exertions, was enabled to quit St. John's. The army, commanded by Lieutenant-General Burgoyne, followed as far as Cumberland Bay, having been instructed to await the success of the naval attack. 5th Oct.

The gun-boats commenced effective operations by driving on shore, on Valcour island, an American brig of fourteen guns. The Indians, who attended the British fleet in canoes, then landed, and retained possession of the island, between which, and the eastern shore of the lake, the enemy's fleet was anchored. The British gun-boats, assisted by such vessels as could work into the bay against the wind, assailed the Americans; the firing continued till sunset, during which time three American vessels were destroyed, with about seventy men killed and wounded: the British lost one gun-boat and twenty men. 11th.

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Colonel Arnold, anticipating a certain defeat when the armed vessels and gun-boats could be enabled to act conjointly against his crippled fleet, dexterously passed between the British armament and the shore during the night, and at day-break, almost the whole of his force was out of sight. A pursuit was commenced, and a gale of wind, which dispersed his squadron, was so favourable to the English, that in the two succeeding days, three vessels, with Brigadier General Waterbury, were captured; six more Arnold ran on shore and burned, and only three escaped, with Arnold himself, to Ticonderoga.

12th.

13th and 14th.

In this exploit, several singular circumstances deserve to be particularly commemorated. Lake Champlain is ninety miles in length, and at the widest part twelve in breadth, situated upwards of seven hundred miles from the sea, at the mouth of the river St. Lawrence. The vessels were constructed in England, and after crossing the Atlantic, taken to pieces, and carried by land, sixteen miles, from Fort Chamblée to St. John's, the river being impassable, and too shallow for their draught. The number of British naval officers who afterwards acquired high renown, many of whom began their active service in this expedition, is also remarkable. The Americans laboured under almost equal difficulties with the English in forming their armament, and the gallantry of Colonel Arnold should not be forgotten: when under the necessity of firing six of his vessels, he remained on board his galley till she was completely enveloped in flame, and left his flag flying in a situation where it could not be struck.

Close of the campaign in Canada.

No impediment now remaining, the English advanced and took possession of Crown Point, where they found the works and barracks for a thousand men, in a state of decay. Preparations were made for rendering them capable of defence, and leaving a garrison; but from the advanced period of the season, it was deemed impracticable to secure supplies of pro-

visions, while lake Champlain, neither entirely open, nor completely frozen, would soon become impassable till after Christmas. The garrison of Ticonderoga was considered too numerous to afford hopes of a successful assault on the works, and the army evacuated Crown Point, and returned to Canada, having destroyed a material obstruction to the operations of the next summer, and strengthened the British fleet so as to preclude all probability of the building and equipment of another squadron by the enemy to dispute the command of the lake in the ensuing spring. [1]

16th Nov.

Proceedings in North Carolina.

Governor Martin, after his expulsion from the government of North Carolina, used many efforts to regain the colony, and was stimulated in his exertions by information that considerable succours were expected under Sir Peter Parker and Lord Cornwallis. By means of trusty emissaries, he embodied, under the command of Colonels Macdonald and Macleod, the Scotch emigrants, and a number of resolute unruly men, called regulators, who lived in a wandering state of independence, chiefly occupied in hunting. The enemy immediately collected a force under Colonel James Moore, afterward a Major-general. The plans of the loyalists were discovered and counteracted; for want of unanimity, they suffered an important period to elapse in conferences, while Moore was joined by five hundred men under Colonel Caswell. Both bodies were stationed near Moore's Creek, and an attack of the loyalists expected, when Colonel Moore, during the night, retreated across the water to a place of ambush, taking the planks from the bridge, and greasing the sleepers, so that only one man at a time could advance. Deluded by fires left in the camp, Colonel Macleod considered it evacuated through fear, and pressing unwarily forward with a small number of men, was killed, together

26th Feb. Defeat of the loyalists.

27th Feb.

[1] In this narrative I have been assisted by valuable private information.

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with most of his followers; some fled, and the residue, including Colonel Macdonald, were taken prisoners.

3d May. Expedition to Brunswick.

Delays in Ireland, and bad weather, prevented the arrival of the forces embarked with Sir Peter Parker till the season was considerably advanced.[m] General Clinton, who quitted Boston in December, took command of these troops on their arrival at Cape Fear, and invited the colonists to return to their allegiance; his proclamation, however, produced but inconsiderable effect. The general next ordered a small party to the town of Brunswick, to try the loyalty of the southern provinces, and ascertain whether they would arm in favour of Great Britain; but the lateness of the arrival at Cape Fear did not afford time for the experiment.

Unsuccessful attempt on Sullivan's Island. 4th June.

Another expedition was undertaken by General Clinton, in conjunction with Sir Peter Parker, against Sullivan's Island, which principally protected the trade of Charlestown, in South Carolina. After some delays the fleet reached the place of destination, and the general took possession of Long Island, on the point of which batteries of cannon and mortars were raised, and which was represented as communicating with Sullivan's by a ford passable at low water, and with the main by creeks navigable in boats of draught. General Clinton, on investigating the situation of the ford, found, to his great mortification, the channel, which was reported to be only eighteen inches, upwards of seven feet in depth: his operations from Long Island consequently became confined; and although his situation occasioned alarm to the enemy, yet as he had not boats for above seven hundred men, he could not attempt any important operation. He

[m] These consisted of the Bristol of 50 guns, Sir Peter Parker; the Experiment of 50 guns; the Active, Solebay, Acteon, and Syren frigates of 28 guns each; the Sphynx of 20 guns; a hired armed ship of 22; a small sloop of war, and an armed schooner, and the Thunder bomb-ketch. The land forces under Lord Cornwallis, and Brigadier General Vaughan, comprised six regiments and seven companies.

informed the commodore that there was no practicable ford, and of the consequent impossibility of co-operating, but offered when the attack should be begun, to make a diversion in the admiral's favour, or to send two battalions to act on his side, in case he and the general officer appointed to command them should be of opinion they could be protected in landing, and employed to advantage; a proposal to which no answer was returned. CHAP. XXIX. 1776. 18th June.

The defence of Sullivan's Island was conducted by Colonels Moultrie and Thomson, under the direction of General Lee, who had travelled from the main army to a spot north of Sullivan's Island, where he lay encamped, and maintained a communication by means of a bridge of boats. The streets near the water were strongly barricaded; the stores on the wharfs pulled down, and lines of defence continued to the water's edge. In a few days, by the labour of the inhabitants, in conjunction with some negroes from the country, such obstructions were raised as would greatly have embarrassed the royal army in an attempt to land. The Americans gained this interval in consequence of delays to which the fleet was subjected by the weather. When the assault commenced, three frigates, (the Acteon, Syren, and Sphynx,) proceeding to a point from which they could have assailed the weakest part of the fort, ran aground; two were afterward floated, but the Acteon was burnt to prevent her falling into the hands of the enemy. This accident frustrated the intended co-operation of the troops, who were embarked for the purpose. The fort was built of palmetto, a soft porous wood, which received the cannon balls with little damage, and although a tremendous firing was maintained till night; resisted its effect.[n] The Americans directed their artillery with steady aim 28th.

[n] This circumstance is also attributed to the length of the merlons, and the lowness of the fort, which diminished the effect expected from the weight of the shot. The palmetto is a tree peculiar to the Southern states of America, it grows from 20 to

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and tremendous execution; the ships were reduced to wrecks, and the quarter-deck of the Bristol was, at one time cleared of every officer, except the commodore. For about an hour and half, the fort was silenced and evacuated, but re-occupied by the Americans, when they found the British army could not take possession. In the night the ships slipped their cables, and in a few days the troops re-embarked for New York, leaving the damaged vessels near the scene of action to refit.

This failure in an attack on one of the weakest of the colonies was extremely detrimental to the British cause; it gave additional animation to the hopes of the Americans, and perhaps sanctioned the presumption of some of their measures. Congress expressed warm approbation of the conduct of its officers, and the fort so ably and prosperously defended, received the name of Moultrie. From some obscurities and adventitious mistakes in Sir Peter Parker's letter and the extract of general Clinton's dispatch, which were inserted in the London Gazette, attempts were made to convey censure on the conduct of the army, and fix on the general the charge of negligence, in having omitted to apprize himself of the state of the fort at a sufficiently early period. General Clinton however had communicated that circumstance to the commodore, ten days before the attack. If his offer of placing troops on board the ships, or of making a diversion on the side of Mount Pleasant, had been accepted, undoubtedly the fort might have been secured when evacuated by the enemy, an event supposed to have been occasioned by the want of powder, which was afterward brought to them from the main land. In fact, it appears that Sir Peter Parker, from an exces-

40 feet in height, without branches, and terminates in a head resembling that of a cabbage. The wood is remarkable spongy; a bullet entering makes no extended fracture, but buries itself without injuring the parts adjacent. Ramsay's History of the Revolution in South Carolina, vol. i. p. 141.

sive confidence in the powers of the fleet, rather undervalued, and therefore declined the co-operation of the army.[o]

1776. Proceedings in congress.

However artfully the fact might be veiled, or however strenuously denied, it could not be reasonably doubted, that from the beginning of the contest with America, a violent and active party had been unremittingly employed in effecting a total separation between the colonies and the mother-country. Every incident which could favour this aim was assiduously cherished, and every expression which could exasperate the colonists studiously amplified. Early in the summer of 1775, congress passed a vote, that the assemblies of the several colonies should instruct their deputies relative to the independence of America. The restraints and increasing difficulties under which the advocates for separation would find themselves in the event of a protracted contest on the present terms, undoubtedly gave impulse to this premature vote. The success which attended their military efforts in that campaign, diminished the apparent presumption; the proceedings in the ensuing session of parliament were descanted on in a manner calculated to forward the intended effect; and all the resources of faction were tried to render this daring measure acceptable.

Efforts to attain independence.

The press was necessarily a principal instrument, and teemed with numerous publications. Among the most conspicuous, was a pamphlet written by Thomas Pain, called Common Sense. The author had lately emigrated from England; he had no claim to the advantages of education, but thought and reasoned with force, and with a subtlety which was the more dangerous, as it was disguised under the semblance of unpremeditated candour. His pamphlet was replete with rough sarcastic wit, and he took a correct aim at the feelings and prejudices of those whom he in-

Publications.

Common Sense.

[o] In this account, beside the histories, Gazette, and periodical publications, I have consulted the Memoirs of General Lee, Ramsay's History of the Revolution in South Carolina, and have been favoured with some unpublished documents.

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tended to influence. Writing to fanatics, he drew his arguments and illustrations from the holy scriptures; his readers having no predilection for hereditary titles, distinctions to them unknown, received with applause his invectives and sneers at hereditary monarchy; a notion of increasing opulence and false calculations on their population and means of prosperity had rendered them arrogant and self-sufficient, and consequently disposed them to relish the arguments he employed, to prove the absurdity of subjugating a large continent to a small island on the other side of the globe. To inflame the resentment of the Americans, every act of the British government toward them was represented in the most ungracious light; and their confidence was augmented by arguments tending to prove the necessity, advantage and practicability of independence. This publication was so well timed, and so artfully written, as to produce effects which a more laboured eloquence and better arguments would have emulated or opposed in vain, and procured numerous partisans to the cause of independence, even among those who, but a few months before, regarded the proposition with abhorrence. Minor arts were not neglected: the mob of Philadelphia, the seat of congress, in particular, and the lower class in all parts of the continent, were taught to clamour for this favourite object, and to treat individuals as friends or enemies, in proportion as they favoured or opposed it.

Mobs.

Influence used in congress.

Yet many of the superior order were restrained by fear, interest, habit and conscience, from acceding to a plan of final separation; but those whom such motives could restrain were reserved, mild and patiently expectant of events, while their opponents were sanguine, violent and precipitate.

15th May. Recommendation to the colonies to new model their governments.

Pursuing the line of conduct adopted in the preceding year, the congress passed a resolution, recommending the assemblies and conventions of the united colonies, where no sufficient government had been hitherto established, to adopt such as should best con-

duce to the happiness and safety of their constituents, and of America in general. The reasons assigned for this vote in its preamble, were the King's conduct, in having, jointly with the two houses of parliament, excluded the Americans from the protection of his crown, refused to answer their petitions, and engaged mercenaries to destroy the *good people* of the colonies; and it was declared irreconcileable to reason and good conscience, to take the oaths and affirmations necessary for the support of any government, under the crown of Great Britain.[p] CHAP. XXIX. 1776.

This resolution, in which the King's personal conduct and authority were first formally attacked, was received with various sensations. In the convention of Maryland, the proposition of independency was rejected by seven counties against four; and instructions sent to the delegates in congress to vote against it; but the same convention passed a resolution for omitting the King's name in the public prayers.[q] The committee of inspection for the province of Philadelphia, in an address to the assembly, observed with the deepest concern, that the ground of opposition to the measures of the British ministry was totally changed; instead of forwarding reconciliation, a system was adopted tending immediately to subvert the constitution. Appealing to the declaration of congress, that they meant not to destroy but restore the union, the committee advised the assembly religiously to observe the instructions given to the delegates in congress, and oppose the minutest alteration of that valuable constitution, under which the people had experienced every happiness, and in support of which they were willing to engage in any just and reasonable undertaking. The assembly, declaring the question of independence too important for their decision, sent their representations on each side to all the towns and counties in the pro-

Proceedings: In Maryland. 28th May. Philadelphia.

[p] See the vote, Almon's Remembrancer, vol. iii. p. 136.

[q] Idem, p. 206.

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vince, and withdrew from their union with congress. The committee of Philadelphia, indignant at this moderation, presented a memorial to congress, declaring the assembly did not possess the confidence of the people, nor constitute a full and equal representation, the majority being composed of men who held offices under the crown, who were dragged into a compliance with most of the resolutions of congress from the fear of a provincial convention, and who were no less to be dreaded than that power which had declared itself possessed of a right to tax the colonies without their consent, and to bind them in all possible cases. On a reference to the people, the majority were reported to favour independence; and a convention, superseding the assembly, instructed the delegates in congress to vote accordingly.[r]

Virginia.

Virginia, the country of General Washington, Patrick Henry, and other conspicuous revolutionary characters, not only adopted, but rather anticipated the views of congress; for on the very day the resolution passed in that body, recommending to the people to fix a form of government, the convention of the province unanimously resolved that their delegates should be instructed to propose a declaration that the united colonies were free and independent states, absolved from all allegiance to the crown or parliament of Great Britain, and to concur in the necessary measures for contracting foreign alliances.[s] A committee appointed at the same time to prepare a declaration of rights, presented, at a subsequent sitting, the result of their labours, in eighteen articles.[t]

15th May.

[r] Almon's Remembrancer, vol. iii. p. 206. 208. 261.

[s] Idem, p. 22.

[t] Some of these merit notice, as well for their own importance, as an account of the practical illustrations they have since received.

1. All men are born equally free and independent, and have certain inherent natural rights, of which they cannot, by any compact, deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

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1776. Declaration of rights. 1st June. Discussion of the question of independency.

In the interval preceding the discussion of the important question of independence, intrigue was never at rest: many members of congress intractably adhered to their first instructions, and could not be convinced that a sound majority of the people would ever sanction the measure. The instructions procured to that effect were not so numerous, or so positive, as had been expected, and the determined opposition they encountered, almost reduced the revolutionary party to despair.[u] The period was, however, arrived, when the experiment must be finally tried; the commissioners were on their passage from England; and unless the people of America were precluded by some authentic act from embracing their proposals, the labour so long employed would be lost, and the prospect, now so near and flattering, for a long time closed.

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2. All power is vested in, and consequently derived from the people; magistrates are their trustees and servants, and at all times amenable to them.

3. Government is instituted for the common benefit, protection, and security of the community. That government is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and whenever any government shall be found inadequate or contrary to these purposes, the majority of the community hath an undubitable, unalienable, and indefeasible right to reform, alter, or abolish it, as shall be judged most conducive to the public weal.

4. No man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible or hereditary, the idea of a man born a magistrate, a legislator, or a judge, is unnatural and absurd.

16. The people have a right to uniform government, and therefore no government separate from, or independent of, the government of Virginia, ought of right to be erected or established in the province.

17. No free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

The remaining articles relate to the election of representatives, the imposition of taxes, to crime, trial, and punishment, to bail, the liberty of the press, the militia, and religious toleration. See the Declaration of Rights at length. Almon's Remembrancer, v. iii. p. 221.

[u] Galloway's Historical and Political Reflections on the Rise and Progress of the American Rebellion, p. 108.

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Pursuant to the instructions received from that colony, the motion for declaring America independent, was made by Richard Henry Lee of Virginia. The debates were continued nearly a fortnight: John Adams was the principal supporter of the affirmative, and John Dickinson his chief opponent. [x] After all the efforts of intrigue, on putting the question, six colonies voted on each side, and the deledates for Pennsylvania were equally divided. Contrary to the established rule of their own proceeding, the debate was resumed the ensuing day, when Mr. Dickinson, a man naturally timid and variable, relinquished the principle he had so strenuously maintained, and by his vote decided the contest. [y]

7th June.

It is carried.

4th July. Declaration of independency.

A declaration, or act, of independence was soon afterward promulgated, and it may safely be averred, that at no preceding period of history was so important a transaction vindicated by so shallow and feeble a composition. It begins by recognizing the propriety of explaining, with a decent respect to the opinions of mankind, the causes which impelled the congress to dissolve their political connexion with England, and to assume among the powers of the earth, the separate and equal station to which they were entitled by the laws of nature and of nature's God. The leading articles of the declaration of rights by the convention of Virginia are then affirmed; and while it is admitted that governments long established should not be changed for light and transient causes, an assertion is made that a long train of abuses and usurpations evinced a design to establish absolute despotism, and that the history of the King of Great Britain, was a history of repeated injuries, and usurpations, all having in direct object the establishment of absolute tyranny over the United States. In support of this position, several

[x] Ramsay's History of the American Revolution, vol. i. p. 338.

[y] Galloway's Historical and Political Reflections, p. 108. Galloway's Examination before the House of Commons, p. 5. note.

acts of the King were cited in the abstract, many of which were merely constitutional, such as refusing to sanction laws and dissolving assemblies: some were vaguely alleged, as *endeavouring to prevent* the population of the states, and *affecting to render* the military independent of, and superior to, the civil power. By assenting to the acts of parliament which gave immediate rise to the contest, he was accused of *combining with others* to subject America to a jurisdiction foreign to her constitution, and unacknowledged by her laws: and in the true spirit of unqualified misrepresentation, he was declared to have *abdicated government* by declaring the Americans out of his protection, and waging war against them. Some passages are remarkable for low and intemperate scurrility; and the whole accusation of the King is summed up by averring, that a prince so marked by every act which may define a tyrant, is unfit to be the ruler of a free people, and, in consequence, the congress, in the name, and by the authority of the *good people* of America, solemnly published and declared, that the colonies were free and independent states, absolved from all allegiance to the British crown; that all political connexion between them and Great Britain was dissolved, and they, as free and independent states, had full power to levy war, conclude peace, contract alliances, and establish commerce.[z]

That the court of Great Britain should not condescend to answer this intemperate and futile declaration, could excite no surprise. The Americans were not yet considered by the world, as congress arrogantly affected to consider them, *a people* dissolving, in the natural course of events, those political bands which formed the connexion with *another people*; they were subjects contending, whether rightly or not, against the authority of their legitimate sovereign. It was

[z] See the Declaration in the Annual Register for 1776, p. 261.; Almon's Remembrancer, v. iii. p. 258.; and Ramsay's History of the American Revolution, v. i. p. 339.

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their intent to obtain, by specious representations, the negative countenance at least, if not the positive assistance of other powers; but Great Britain had no appeal to make, the question between her and her colonies was not one of public right, but of domestic regulation; to have answered the declaration of independence, would have been to acknowledge a right in other powers to interfere, speculatively at least, in her concerns, and would, beside, have produced declarations relative to principles, which, in the existing state of the public mind in Europe and America, could answer no beneficial purpose, but must produce endless discussions, in which the real nature and ground of the dispute would have been more and more obscured and deserted. Yet although this paper was not formally answered, the framers had no reason to triumph in the success of unrefuted calumny, and undetected misrepresentation. The press in England not being subject to the same tyranny as was exercised over it by the revolutionists of America, sent forth an answer complete in all its parts, in which every fallacy in argument, every false assumption in principle, every mis-statement in fact, was exposed and refuted with so much clearness, perspicuity, and irrefragable force, as to render it surprising, that a public body should found their defence of an important measure on pretences so fallacious, and so extremely open to detection.[2]

Effect of publishing it.

With respect to foreign powers, this declaration could not be expected to produce any other effect than that of affording a pretext, to such as were already so disposed, to gratify their malice against England by active hostilities, or pursue what they

[2] The work alluded to is intitled, "An Answer to the Declaration of the American Congress," printed for Cadell, Walter, and Sewell, 1776. It is in the highest degree worthy the perusal of those who wish to have the means of thinking rightly on the origin of the American dispute. Another answer, written by Governor Hutchinson, intitled "Strictures on the late Declaration of Congress," was for some time privately circulated, and at length published; it may be found in Almon's Remembrancer, v. iv. p. 25. It is not so detailed as the other, but contains many valuable observations.

considered their own interest, in forming commercial connexions with the revolted colonists. In America, where the first and most important effects were to be produced, the success of such a paper was rendered almost certain: the press was completely enslaved by the popular party; and no printer, on peril of his life, durst publish a sentence in refutation of their assertions. The multitude would not stedfastly examine, or carefully separate the allegations which were falsely stated or fallaciously blended; but taking the whole as the abstract of long meditation, sanctioned by the highest authority, receive it with implicit deference. The scurrility with which it abounded was gratifying to the taste of the populace; and the direct attack on the person and authority of the king, gave a new impulse to their spirits, and furnished a more conspicuous topic of invective.

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The declaration was therefore generally received with marks of applause, accompanied with insults on the King. At New York, an equestrian statue, erected in 1770, was thrown down and melted; and in most parts of the colonies the word royal, and the sign of the crown were suppressed in the streets.[b] Washington's army received it with loud acclamations.[c]

Its reception by the people: and army.

America being thus divided from the mother-country[d], no reserve was maintained by those who had so long laboured to attain that end, in avowing the course and object of their efforts. Samuel Adams, a distinguished leader of the American councils, noted for subtlety, perseverance, and inflexibility, boasted in all companies that he had toiled upward of twenty years to accomplish the measure; during that time he had carried his art and industry so far,

Exultation of some members of congress.

[b] Almon's Remembrancer, vol. iii. p. 286. 387.

[c] Washington's Letters, vol. i. p. 185.

[d] The separation of America from the British empire took place 294 years after the discovery of that continent by Columbus; 166 years from the first established settlement in Virginia, and 156 years from the first settlement of Plymouth in Massachuset's Bay, which were the earliest English settlements in America. Morse's American Geography, p. 105.

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as to search after every rising genius in the New England seminaries, employed his utmost abilities to fix in their minds the principles of American independency, and now triumphed in his success.[e]

State of the American army.

Independence was not, however, to be secured by a vote of congress, by an insulting declaration, or by shouts of applause. A vigorous campaign was expected; its commencement was awaited with awful anxiety, and the most sanguine hopes could not veil the disadvantages under which the Americans were likely to labour. The wants of their army, though considerably relieved, were not effectually removed, even gunpowder and flints were not supplied in abundance[f]; and the general drew deplorable pictures of his want of reinforcements, which were slowly obtained.[g] Great alarms were entertained respecting the German mercenaries; and Washington even proposed a decoying scheme to lure them from the British into the American service, by the employment of a corps of their emigrant countrymen; a project which was sanctioned by congress, and attended with considerable effect.[h] The difference of political opinions, in so interesting a crisis, could not fail to create many apprehensions of plots and conspiracies; and the jealousy of a revolutionary government was exerted at New York, Albany, and other places, in the detection, prevention, and punishment, of attempts which were depicted in terrifying though perhaps aggravated colours.[i]

British plan of campaign.

The British plan of campaign embraced three objects; to recover Canada, and invade the back settlements by way of the lakes; to make a strong impression on the Southern provinces; and to direct a grand expedition against the city and province of New York.

[e] Galloway's Historical and Political Reflections, p. 109.
[f] Washington's Letters, vol. i. p. 179. 193.
[g] Idem, p. 183. 222. et passim.
[h] Washington's Letters, p. 146. 176.
[i] Idem, vol. i. p. 173, 174. 181. Annual Register, 1776, p. 169.

The partial success of the first, and the failure of the second part of the project have been already detailed. The expedition against New York, was regarded by General Washington with alarm, uncontaminated by fear, and with a contemplative anxiety, which only suggested maxims of caution, commensurate to the known extent of the danger. [k]

11th June. Arrival of Lord Howe.

General Howe, having refreshed his troops at Halifax, proceeded to Sandy Hook; but being informed that the enemy were endeavouring, by strong intrenchments at New York and Long Island, and by chains of sunk vessels in different parts of the channel, to obstruct the passage of the fleet up the North and East Rivers, he repaired to Staten Island, situate opposite Long Island, where he landed his men without opposition. Lord Howe, the joint commissioner for treating on peace, who had long been expected, arrived about the same time at Sandy Hook, and proceeding immediately to Staten Island, landed the troops from England, which augmented the British force to near thirty thousand men, supported by a numerous and powerful fleet.

29th.

3d July.

1st July.

14th July. Attempt to negotiate with Washington.

Lord Howe made the first effort as a pacificator, by opening a direct communication with Washington. The American General sagaciously foreseeing a deficiency of form in addressing him, raised a cavil to prevent the effects of a conference, so critical in the newly-embraced state of independency. Pursuant to the advice of a council of officers, he declined receiving a letter, superscribed "to George Washington, Esq," and congress expressing high approbation of the general's conduct, directed that it should be his rule in future, and a model to other commanders.

19th.

15th. Circular letter.

The next day Lord Howe sent on shore, by a flag of truce, a circular letter and declaration to the late governors of provinces, apprizing them of the civil and military authorities vested by the late act of

[k] Washington's Letters, vol. i. passim from 174 to 223.

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parliament in his brother and himself; informing the public of their powers to grant pardons to any number or description of persons, to proclaim the restoration of any colony, district or place to the King's peace, from which time the King might discontinue the effect of the restraining act, and declaring that pardons should be granted, dutiful representations received, and every suitable encouragement given for promoting measures conducive to the establishment of legal government and peace.

19th. These papers were forwarded by General Washington to congress, who immediately published them with a prefatory comment in the shape of a resolve, that the *good people* of the United States might be informed of what nature were the commissions, and what the terms, with the expectation of which the insidious court of Great Britain had endeavoured to amuse and disarm them, and that the few who still remained suspended by a hope founded either on the justice or moderation of their late King, might now at length be convinced that the valour alone of their country was to save its liberties.

16th Further efforts to negotiate. Unwilling to abandon the hopes of a negotiation on account of a single repulse, and yet unable perhaps to recognize the assumed title of the American commander, General Howe attempted to evade the point, by directing to George Washington, Esq. &c. &c. &c.

21st. This letter was also declined, and although a conference was afterward obtained by Colonel Paterson, no impression could be made favourable to the opening of a treaty of pacification, nor could the letter, on any terms, or under any explanations, be received.[1]

Letter to Franklin. As a last effort to avoid hostilities, Lord Howe addressed a letter to Dr. Franklin, who answered, that preparatory to any proposition of amity or peace, Great Britain would be required to acknowledge the

[1] See Washington's Letters, vol. i. 195 to 204. Almon's Remembrancer, v. iv. p. 18, 100.

independence of America, defray the expenses of the war, and indemnify the colonies for burning their towns. This was only his own opinion, unauthorized by those in whom the Americans had invested the power of peace or war.

Battle of Brooklyn. 22d Aug.

Delay had now been carried to its utmost limits, and the season for action was already advanced to a late period. The troops under General Clinton having joined the main army, a disembarkation was effected between Utrecht and Gravesend, on Long Island, which was selected as the first object of attack, preparatory to the reduction of New York. The advanced party of the enemy fled with precipitation on the approach of the royal troops, and hastened to gain the woody heights which commanded the line of progress, burning in their retreat the houses and granaries. Fifteen thousand provincials were encamped near Mill Creek, enclosed by a line of entrenchment, strongly secured by abbatis, flanked by redoubts, and lined with pikes. Another party lay at Brooklyn, on the east river opposite New York, where they had constructed strong works. General Putnam was detached from Mill Creek with ten thousand men, to occupy the heights which obliquely intersected the island, and defend the defiles which led through the hills. In a plain, opposite the centre of Putnam's line, stood the village of Flat Bush, to which the Hessians under General De Heister were advanced, occupying the attention of the enemy, and frequently skirmishing with the patroles.

26th Aug.

General Clinton and Sir William Erskine having reconnoitred, General Howe, in pursuance of their advice, formed dispositions for turning the left flank of the enemy. The right wing of the English army, commanded by General Clinton, supported by brigades under Lord Percy, and by the reserve under Lord Cornwallis, quitted the camp in the night, crossing the country by Flat-lands, to secure a pass over the heights of Guiana on the road to Bedford. General

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Howe accompanied this expedition, and had the pleasure of witnessing its complete success. The pass in question, though of the utmost importance, was distant, and the enemy had neglected to secure it, relying for intelligence of an attack on patroles of cavalry: one of these was fortunately intercepted; and alarm being thus prevented, the British passed the heights unimpeded, and reached Bedford at nine o'clock in
27th Aug. the morning. Without loss of time, they assailed the left of the Americans, who were thrown back on their right, and, after a feeble resistance, retired over the Mill Creek, but in such irreparable confusion that few only got into the line. The firing on the left of the enemy served as a signal to De Heister, who with a column of Hessians attacked their centre near Flat Bush, and after a warm engagement drove them into the woods.

The left column, under the command of General Grant, proceeded at mightnight from the Narrows, by the edge of the bay; and in order to divert the attention of the enemy from the other principal points of attack, engaged their advanced guard. The Americans fought with firmness, and did not make a retrograde movement till they received intelligence of the entire rout of the other divisions of their army. They then attempted to secure a retreat, which some of them effected, with difficulty, and in disorder, over a mill-dam, and through a morass.

The victory on the side of the British troops was complete, though not decisive: two thousand of the enemy were killed in the field or drowned, and near eleven hundred taken prisoners, among whom were Generals Sullivan, Udell, and Lord Stirling. The Maryland regiment suffered most severely, as upward of two hundred and sixty men of the best families in the province were cut to pieces.

The loss of the British was between sixty and seventy killed, and two hundred and thirty wounded. The ardour and conduct of the troops were highly extolled; both English and foreigners performed their

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services with a zeal stimulated by emulation to its greatest pitch of exertion. In the impetuosity of their courage they were with difficulty restrained from attacking the American lines, and considering the difference between perfect discipline and total inexperience, the flush of success and the languor of defeat, would in all probability have succeeded; they were however restrained by General Howe, who considering it certain that he should obtain easy possession by regular approaches, would not risque the loss of blood in an assault, but ordered his forces to retire out of the reach of musketry.

28th Aug.

In the evening of the same day the British army encamped in front of the American lines, and, on the ensuing morning, broke ground about six hundred yards from one of the redoubts on the left. General Washington exerted himself with incredible assiduity in repairing or palliating the effects of the late disaster; he afforded every facility in his power for those who had been missing at the close of the engagement to return, and many found their way from the woods to head-quarters. During forty-eight hours, in sultry weather, he was almost constantly on horseback and never slept.[m]

Retreat of the Americans to New York. 29th.

His situation was, however, in every respect untenable; his army was the last resource of America, and the event of a second engagement, or of success in an attempt to force the lines, must have occasioned its total annihilation. He could not venture to weaken the garrison of New York by sending supplies, and feared, if the wind should change, that ships of war would sail up the East river, and preclude every hope of a retreat, which was now his only refuge. Even this was an enterprize of the utmost hazard and difficulty: it was to be performed close to a vigilant enemy, provided with every means of annoyance, and elevated

[m] Washington's Letters, v. i. p. 242. See also General Howe's account, in the papers presented to parliament; Parliamentary Register, vol. xi. p. 340.

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with victory, while his own troops were dispirited, and almost despondent. He conducted this retreat with great judgment and skill, and was favoured by the extreme darkness of the night. In thirteen hours nine thousand men, beside field artillery, ammunition, provisions, cattle, horses, and carts, effected, without loss or interruption, a retreat to New York, over East River the stream being a mile in width, and several embarkations necessary. At first the wind and tide were unfavourable; but an hour before midnight the sea became calm, and the breeze friendly; Long Island was also enveloped in a thick fog, which prevented the British troops from observing the motions of the Americans; while on the coast of New York, to which their course was directed, the sky was bright and serene. The pickets of the English army arrived only in time to fire on their rear guard, who were already too far from shore to sustain injury.[n]

Renewed negotiation.

One of the first measures taken by Lord Howe after the victory of Brooklyn, was to dispatch his prisoner,

[n] In these transactions the conduct of both parties has been blamed with considerable severity, and perhaps not without justice. The American commanders are censured for having suffered themselves to be completely surrounded by the British force at the battle of Brooklyn, a misconduct which exposed them to certain loss and imminent hazard. It is alleged on their behalf, that they were not apprized of the number of troops landed on Long Island; and an insinuation of treachery is advanced against those whose duty it was to secure the passes. After the battle, their conduct was a masterly specimen of prudence and presence of mind.

The British commanders are charged with many glaring instances of misconduct. The attack was planned with consummate judgment, and executed with equal promptitude, and valour; but in no respect were the means of success pushed to their utmost possible results. After the right had defeated the left of the Americans, and they were retreating in confusion, General Howe might have followed his advantage, forced the enemy's works, and secured a decisive victory. He is severely blamed for checking the ardour of his troops when eager for pursuit, and for not taking possession of Brooklyn ferry, which would have rendered the escape of the Americans almost impossible. He had, it is alleged, early intelligence of the retreat of the enemy, but neglected to direct a pursuit till too late to be effectual. Thus the results of a victory which redounded to the honour of the British arms, were reduced to the unimportant possession of Long Island. Yet for all these apparent errors of conduct, it is said General Howe had good reasons, both military and political. He gave his own military reason for forbidding the forcing of the lines, and his political conduct was guided by the consideration of his duty as a commissioner sent to treat for peace, and whose overtures would be most favourably viewed in the moment of success, especially if no prejudice was excited by the exertion of extreme violence or unnecessary vigour.

General Sullivan to the congress, for the purpose of inviting some members of that body to meet him, not as deputies from an independent state, but as private gentlemen, in order to facilitate pacification; and he stated as an inducement, that so favourable an opportunity would not again occur, as neither party was reduced to a state of abject humiliation, nor to a situation that presented assent or ruin as the sole alternative. If congress were disposed to treat, he observed, many things which had not yet been asked might and ought to be granted; and if a conference afforded a probable ground of accommodation, their authority must afterward be acknowledged, to complete the compact.

The uncertainty and numerous disadvantages attending the actual situation of affairs, were strongly felt by congress. The people were clamorous for a knowledge of the terms on which, without too great sacrifices, they might obtain present ease, and avert the dismal scenes of which they had a disheartening prospect[o]; and the army reduced by defeat and desertion to less than twenty thousand, was in a state of want and insubordination. General Washington, in one of his letters, dated Long Island, 2d September 1776, gives a striking and interesting picture of the consequences of the battle of Brooklyn. "Our situation," he says, "is truly distressing. The check our detachment sustained, on the 27th ultimo, has dispirited too great a proportion of our troops, and filled their minds with apprehension and despair. The militia, instead of calling forth their utmost efforts to a brave and manly opposition in order to repair our losses are dismayed, intractable, and impatient to return. Great numbers of them have gone off, in some instances almost by whole regiments, by half ones, and by companies at a time. This circumstance of itself, independent of others, when fronted by a well-

[o] Examination of Joseph Galloway, p. 9. note.

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appointed enemy, superior in number to our whole collected force, would be sufficiently disagreeable: but when their example has infected another part of the army, when their want of discipline, and refusal of almost every kind of restraint and government, have produced a like conduct but too common to the whole, and an entire disregard of that order and subordination necessary to the well-doing of an army, and which had been inculcated before, as well as the nature of our military establishment would admit of, our condition is still more alarming; and with the deepest concern I am obliged to confess my want of confidence in the generality of the troops."

The leading members of congress were not however induced, by the threatening appearances of the moment, to relax in their projects; the independence of America, which they had laboriously and insidiously promoted, was not to be so easily resigned; nor would they forego the proud situation in which they stood as directors of this important contest.

7th Sept. Committee of congress sent to confer with the British commissioners.

To preserve an appearance of candour, and gratify the earnest wish of the people, without seeming to abandon the duties of their station, congress returned for answer to Lord Howe's message, that as representatives of the free and independent states of America, they could not, with propriety depute any of their members to confer in their private characters; but, ever desirous of establishing peace on reasonable terms, they would authorize a committee to examine into the nature and extent of his authority, and hear his propositions. This committee consisted

6th.

of Dr. Franklin, John Adams, and Edward Rutledge.

From this resolution, and the character of the individuals appointed to bear the inefficient function committed by congress, Lord Howe might have anticipated the failure of his efforts. Three more strenuous republicans could not have been selected; and they were not enabled to treat, but merely to investigate and cavil at the powers of the commissioners.

His lordship, however, gave them a meeting on Staten Island, and, according to their own report, from which alone the circumstances could be learned, received and entertained them with the utmost politeness. CHAP. XXIX. 1776. 14th Sept.

In opening the conversation, he protested against conferring with them as a committee of congress; but being authorised to consult with private gentlemen of influence on the means of restoring peace, he with pleasure availed himself of the opportunity. The delegates answered, his lordship might consider them in whatever light he thought proper; but they could only view themselves in the character committed to them by congress. Lord Howe then, in a discourse of considerable length, recommended a return to allegiance and submission to Great Britain, accompanying his argument with assurances of the good disposition of the King and his ministers to make government easy, to revise the offensive acts of parliament, and amend the instructions given to governors.

Such were the propositions which, according to the report made to congress, were offered by Lord Howe, and if they had been proposed a few days before the declaration of independence, the majority of congress might have felt themselves bound to accede to them, as a secure and honourable basis of pacification. Under that extorted declaration, however, the commissioners sheltered themselves, assigning their independence as a cause for rejecting, what they termed, the only explicit proposition of peace. They descanted on the contempt shewn to their repeated petitions, and their unexampled patience under tyrannical governments; the last act of parliament, which denounced war and put them out of the King's protection, compelled them to comply with the wish of the people, by framing the declaration of independence; every colony approved it; all now considered themselves free states, all were settling their governments under that opinion, and congress could not replace them in their former condition. They were desirous of peace, and willing to treat with Great Britain for the advantage of both

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countries; and his lordship might, if the same good disposition existed in Britain, receive fresh powers, enabling him to negotiate on the basis of independency, much sooner than authorities could be obtained by congress from the several colonies to consent to submission.

Lord Howe, with sorrow, terminated the conference, declaring that on such terms no accommodation could take place. The delegates, in their report to congress, declared it did not appear that his lordship's commission contained any other authority of importance than was expressed in the act of parliament, that of granting pardons with discretionary exceptions, and of declaring, on submission, the whole, or any part of the continent, in the King's peace. As to the power of enquiring into the state of America, and conferring, consulting, and representing the result to the ministry, who provided the colonies would subject themselves, might, or might not, alter the former instructions to governors, or propose in parliament amendments of the obnoxious acts; any expectation from the effect of such a power would have been too uncertain and precarious, even were America still dependent.

Thus terminated this famous effort, from which the British commanders seemed to have formed such expectations, that in the career of victory they afforded an interval for the experiment. The delegates of congress, with more policy than candour, diminished the beneficial effects which might result from listening to the proposals; but, on the whole, their conduct does not stand obnoxious to censure. America, by their means, was declared independent: the attempt was new, vast in its immediate objects, immense in its expected results; patience and preseverance might more than repair the present deranged state of their affairs; but in all events, a return to submission would procure immunities and indulgences more than sufficient to counterbalance temporary disadvantages. To have shrunk from a project so mighty, upon the first failure

in arms, or to have been lured from it by the first offer of ease, would have thrown indelible disgrace on the character of congress. CHAP. XXIX. 1776.

The British commissioners acted in the whole transaction with dignity and prudence: they made no captious objections, exhibited no contumelious superiority, and descended to no low arts. They would not publish a counter manifesto or narrative of the conference, to elucidate passages mistaken or misrepresented by the committee; but contented themselves with publishing a short declaration, that, although the congress had disavowed every purpose of reconciliation not consonant with their extravagant and inadmissible claim of independency, the commissioners were equally desirous to confer with His Majesty's well affected subjects on the means of restoring public tranquillity, and establishing a permanent union with every colony, as a part of the British empire. And they positively affirmed, that the King had already directed the completion of those revisions of powers, and other measures of relief, respecting which the committee of congress had insinuated that his promise was not to be believed.[p] 19th Sept. Declaration of the commissioners.

Meanwhile the British army was reinforced by a detachment convoyed by Sir George Collier. The treaty occasioned no suspension of arms; and the expulsion of the enemy from New York was pressed with unremitting assiduity. The possession of Long Island, rendering Governor's Island no longer tenable by the Americans, enabled the British army to command the city, and the acquisition of three small islands, Barren, Montresor, and Buchanan, cut off all communication by sea. Preparations for the attack of New York.

General Washington was anxious to answer the wishes of congress, by maintaining possession of this city, but found his difficulties daily increasing. Insubordination, desertion, distress, and a total evapo-

[p] See the documents at length in Almon's Remembrancer, vol. iv. p. 112, et seq.

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ration of the original spirit of enterprize which animated his troops, rendered his prospect cheerless. The militia were ready to depart, and if they left the army without being paid, the effect of their report would be no less injurious to the service than the want of their numbers. The troops in general were importunate and urgent in their demands for money [q]; winter already approached, and the army was only equipped for a summer campaign; their clothes, shoes, and blankets, were insufficient; their tents worn out and inadequate to more than two-thirds of their number; and the sick amounted, according to the returns, to one-fourth of the army. [r] The general, reasoning from history, experience, the advice of friends in Europe, the fears of the English, and the declarations of congress, wisely resolved to make the war on his side purely defensive, a war of posts; to avoid general action, and risk nothing, except on cogent and inevitable necessity. Persuaded of the presumption of drawing out young troops into open ground, against their superiors both in number and discipline, he never (to use his own phrase) spared the spade and pick-axe. He was, however, embarrassed in the choice of difficulties: if he concentrated his whole force for defence of New York, he must leave the country open for an approach, and render the fate of the army and its stores dependent on his success in securing the city, or gaining a pitched battle. On the other hand, to abandon an important post which many deemed defensible, and on the works of which much labour had been bestowed, would dispirit the troops and enfeeble the cause.

7th Sept.

A council of general officers unanimously concurred in adopting a middle course. The army, consisting of twenty-three thousand men, was arranged under three divisions: five thousand to remain for protection of the city: nine thousand to secure Kings-

[q] Washington's Letters, vol. i. p. 249. [r] Idem, p. 252.

bridge and its dependencies, as well as other strong posts, and attack the British forces, should they attempt a landing on that side; the remainder to occupy the intermediate space, and support either.

13th and 15th Sept. Capture of the city.

Judicious movements of the British ships straitened the operations of the enemy, and prevented the completion of their project for removing the stores by sea. Several vessels were dispatched up the East river, and three men of war proceeded up the North river to Bloomingdale: those on the East river scouring the grounds by a heavy cannonade. General Clinton heading the first division of four thousand men landed at Kipp's Bay, about three miles from the town, assailed the heights where the enemy were strongly posted, and took possession of the high land called the Inclenburg. The Americans had formed strong intrenchments, and were in possession of advantageous ground: but they were lured from their hold by a feint, and the incessant fire of round shot from the ships prevented their return. The troops as they landed, posted themselves on the high grounds, which stretch in an ascending direction from the shore, and the enemy fled with precipitation. A party of seventy Hessians advancing toward New York, fell in with a body of fugitives retreating by the pass at Bloomingdale, and defeated them after a short skirmish. General Washington, finding all his efforts to rally the army ineffectual, expeditiously secured a retreat to Morris's heights, where he established himself in so strong a position as to render an immediate attack imprudent. New York, with the heavy cannon of the enemy, and great part of their stores, fell into the possession of General Howe. Had he followed the counsel of an able adviser, and instead of directing his immediate attention to New York, thrown his army round Kingsbridge, the whole American force would have been inextricably hemmed in. Nor was this his only error: after taking possession of the town, he unprofitably lost time, while General Putnam, with

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three thousand five hundred men, effected his retreat to the main body. The ensuing day a skirmish took place between some British troops and a party
16th Sept. of Americans, who were sent to take possession of a wood; from the vicinity of their intrenched camp, the enemy were enabled to strengthen their party with continued reinforcements; and, in the course of the action a great number became engaged on both sides; at length the Americans retreated.[s]

It is set on fire by American incendiaries.

Before the surrender of New York, General Washington had propounded to congress, in a manner which shewed that he entertained a predilection for the measure, the propriety of burning the city, rather than suffering it to remain as winter-quarters for the British army.[t] Congress gave a decided negative to this proposal[u]; but whether in consequence of private instructions, incompatible with their public orders; whether some individuals in the army or town thought proper to act from their own judgment; or whether from the mere malice of lurking incendi-
1st. Sept. aries; the city was set on fire in several places, and, notwithstanding the strenuous exertions of the military, one-third of the buildings destroyed. The conflagration was tremendously grand; two churches were burnt, and the American army at Paulus Hook, testified their joy at the fall of one of the steeples, by three cheers. A few incendiaries, seized with combustibles, were sacrificed to the rage of the soldiers; nearly two hundred individuals were arrested on suspicion; but although many cart-loads of pine sticks daubed at each end with sulphur, were found concealed in cellars, no circumstance led to the effectual detection of the conspirators.[x]

[s] An account of this transaction may be seen in Washington's Letters, vol. i. p. 262. In the account of the taking of New York, I have also consulted his Letters, vol. i. p. 258. et seq. and the papers laid before parliament.

[t] Washington's Letters, vol. i. p. 246. [u] Idem, p. 246.

[x] The very slight manner in which Washington mentions the affair, (see his Letters, vol. i. p. 267.) leaves room for suspicion that there was some mystery in the transaction to which he was privy, but which was not to be disclosed even to all the members of congress.

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1776. Unsuccessful efforts to bring Washington to action.

The American army being in a situation which precluded every hope of success, from an immediate attack, the British General threw up a chain of redoubts on Macgowan's hill, to cover New York, and render it capable of a vigorous defence, even after the greater part of the army should be engaged in distant operations. When this work was completed, three brigades of British, and one of Hessians, were left under Lord Percy, to guard the town, and the rest of the army proceeded in flat boats and batteaux, through a dangerous passage called Hell-gate, to attack the enemy's rear by the New England road. They landed at Frog's-neck, an island connected with the main by a bridge, which was, in the course of the day, broken down by the enemy. A movement might easily have been made, which would have reduced the Americans to the necessity of defending the island, or forcing their way through the British lines, to gain the territory of New England; but General Howe, by rejecting advice to this effect[y], enabled General Washington to profit by the advice of General Lee[z], and, contrary to his original intention, abandon his perilous situation.

12th Oct.

Without deriving any advantage from their last movement, the British forces reimbarked, and proceeded along the coast to Pell's Point, where they ought originally to have landed. A skirmish took place near East Chester, between a division of the American Colonel Glover's brigade, and an advanced party of the British, who succeeded in expelling them from a strong position.[a]

18th.

21st Oct. Battle of White Plains.

The principal division of the British army proceeding to New Rochelle, were joined by a second body of foreign troops, under General Knyphausen, who had landed safely at Mill's Creek. The Americans were

[y] It was proposed to Sir William Howe to pass by City Orchard, and thence to Mill's Creek and Rochelle. Lord Howe objected to Mill's Creek, under the notion of its being unsafe for ships.

[z] Stedman, vol. i. p. 211. See also Washington's Letters, vol. i. p. 224.

[a] Stedman. The Americans are said to have been victorious in Washington's Letters, vol. i. p. 296.

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stretched parallel to the British from Kingsbridge on the right, to White Plains on the left. They were separated by a deep river called the Brunx, on the eastern side of which their whole army occupied a
26th. fortified camp. The royal forces, the left commanded
28th. by General Howe, the right by General Clinton, approached White Plains, driving before them several detachments of the enemy, who created considerable alarm in the camp. The tents were standing: the hurry of striking and loading them in waggons, together with the movements of troops backward and forward, in evident irresolution, presented an extraordinary picture of confusion. The number of American forces is calculated at about eighteen thousand, but disheartened, insubordinate, and undisciplined; the British were thirteen thousand, in the utmost vigour, spirits, and discipline. The centre of the enemy was easily assailable, and success in that quarter must have been fatal to them; but General Washington, having, for some inexplicable reason, posted four thousand men in an advantageous position on an eminence; General Howe, miscalculating the importance of the situation, directed his principal efforts against it: the attack was hardly less severe and hazardous than an assault on the lines; but the victory gained by the intrepidity of the troops was of no effect, as the Americans, after the battle, remained tranquil in their intrenchments.[b]

After this engagement, several days were passed on both sides in strengthening their positions; the Americans, anxious to render an attack on their lines hopeless; the British General desirous to make the
30th Oct. event certain, by possessing himself of their rear, so as to cut off retreat, waited for reinforcements. On their arrival, a disposition was made for an attack; but the weather occasioned delay, and the Americans

[b] It is suggested, that Washington probably posted this corps on the right of the Brunx to cover the retreat of his army; and if General Howe entertained the same notion, it accounts for his attack.

completed their fortifications. They did not, however, feel confident in this advantage; for, having learned from a deserter that General Howe intended to assail them the next morning, they suddenly evacuated their lines, and retired across the Croton to an impregnable position defended in the front by the river, and in the rear by woods and heights. In their retreat, they burned all the houses and forage on White Plains.

1776. 1st Nov.

Wearied with an unavailing pursuit of an enemy determined to avoid a direct encounter, the British general engaged in the reduction of Fort Washington, an important post, securing a communication with the Jersey shore, and effectually commanding the navigation of the North river; well fortified, and not to be approached without exposing the besiegers to a heavy fire. The defence was entrusted to Colonel Magaw, a native of Pensylvania, who had quitted the bar for the military profession, and was peculiarly qualified for his trust. The batteries being completed, the garrison was summoned, but gallantly refused to surrender. The fort was resolutely stormed by the British army in four divisions, and after a spirited contest, the whole garrison surrendered prisoners of war. The loss of the royal army in killed and wounded amounted to eight hundred; that of the enemy in killed, wounded, and prisoners, to three thousand three hundred. General Washington in person consulted with Magaw, in the morning of the attack, on the means of defence; and, during the action, sent instructions to hold out, and he would detach reinforcements, but the messenger arrived too late. The American general highly valued this fort, and deeply deplored the loss of so many men, and so great a quantity of artillery and stores which he despaired of seeing replaced.[e]

Capture of Fort Washington.

15th Nov. 16th.

Immediately after this success, Lord Cornwallis landed on the Jersey shore; the garrison of Fort Lee,

18th. Successful invasion of New Jersey.

[e] Washington's Letters, v. i. p. 318.

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on his approach, retreated in confusion, leaving their tents standing, with all their provisions and military stores; the fort was of no consequence after the loss of Fort Washington.[d] The American leader, considering his only chance of safety to consist in precipitate retreat, gained, with great expedition, the further shore of the Hakensack river, leaving on the road large quantities of stores and artillery. In the space of about three weeks, Lord Cornwallis overran the whole province of New Jersey, the American general constantly flying before him.[e]

17th Dec. Disposition of the British troops in winter quarters.

The winter having now commenced, the British troops were placed in winter quarters between the Delaware and the Hakensack, the latter of which runs near New York. The enemy, in the mean time, retreated across the Delaware.

Expedition to Rhode Island.

During the progress of Lord Cornwallis, General Clinton, in opposition to his own judgment, was engaged in an expedition to Rhode Island, to which he was dispatched after the battle of White Plains. He strongly urged the superior advantage of being landed at Amboy, for the purpose of co-operating with Lord Cornwallis, or proceeding on board Lord Howe's fleet to the Delaware, to take possession of Philadelphia; but his propositions were over-ruled, principally because Lord Howe insisted on Rhode Island as necessary for the fleet. On the approach of the British force, the enemy abandoned the island; and the American squadron under Hopkins, retired up the river Providence, where it remained blocked up and inactive.

[d] Washington's Letters, v. i. p. 518.

[e] From some delays made in the course of this pursuit, censure has been inferred, if Lord Cornwallis was restrained, by want of proper activity, or withheld by the commands of his superiors: the chief proof in favour of these suppositions is, that the pursuing army generally arrived at every place from which the enemy retreated, at the moment when they had quitted the spot. It is to be observed, however, that the Americans had constantly such perfect intelligence of the preparations of the royal army, as enabled them to guess with certainty the intentions of the general, and so change their position at the last moment. It appears too from the testimony of General Washington himself, that the expeditious progress of the British army was, towards the latter end of November, suspended by bad weather. See Stedman, v. i. p. 219. Washington's Letters, v. i. p. 322, 323. et passim.

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During the career of success, Lord Howe and the general issued a proclamation, recapitulating their former offers, and promising free pardons to all who should, within sixty days, appear before governors of provinces, or military or naval commanders, and enter into engagements to remain peaceable and obedient subjects.[f] The lenity of this measure, combined with the progress of the army, induced great numbers to accept the proffered benefits, and whole districts renounced their arms. General Washington, during his whole retreat, complained, that notwithstanding his efforts and notices, he was never joined by the militia. The governor, council and assembly, and magistracy of New York, had deserted the province: repeated attempts to embody the militia of Philadelphia had failed; and a disposition to meet General Howe with a cheerful welcome became generally apparent. Had the British army been able to proceed immediately to Philadelphia, it was supposed the whole continent would have followed the example of that city; but they could not, for want of boats, cross the Delaware, and were obliged to wait till the ice should be sufficiently formed to permit a passage.

30th Nov. Proclamation by the Howes.

The partizans of congress were also disheartened by the capture of General Lee, whose experience and talents were more relied on by the Americans, and dreaded by the English, than those of the commander in chief. His timely discernment had already saved the provincial army, and although General Washington does not appear to have entertained a sincere friendship for him, still, in the disastrous situation of the American cause, he was solicitous for his presence and assistance. General Lee, while advancing to join General Washington, quitted his camp before Morristown on a reconnoitring expedition, and stopped almost unattended, three miles from the main body of his troops, for refreshment: in this situation

13th Dec. Capture of General Lee.

[f] See the proclamation and form of pardon, Annual Register for 1777, p. 294.

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he was surprised by a detachment of light horse, under Colonel Harcourt, and conveyed with great celerity, through a considerable extent of country, to New York. This gallant exploit caused no less exultation in the British, than regret in the provincial army. No officer of equal rank being in captivity among the Americans, General Washington offered six field officers in exchange, but received for reply, that General Lee, being a deserter from the British service, could not be considered as a prisoner of war. It was ineffectually alleged on the other side, that he had resigned his commission before the commencement of hostilities; no arguments or offers could procure his release; he was confined, and vigilantly guarded. Congress, exasperated, rescinded an established regulation, in the nature of a cartel, for the exchange of captives, deprived of their parole several British officers, and declared, that the treatment experienced by General Lee should form the model of their conduct toward prisoners.

Exertions of congress

In no period of this series of calamities does it appear that the firmness of congress ever deserted them, or that they lost sight of the great object of their principal leaders, the establishment of independence, and total separation from Great Britain. Some of their measures were rash, some perhaps impolitic, and others tyrannical; but they seem on the whole to have pursued a mode of conduct more dignified than could have been expected in their circumstances, and sufficiently wise to serve as the foundation of permanent success, if they were unexpectedly favoured by fortune.

4th Oct. Articles of confederation.

Soon after the declaration of independence, they voted articles of confederation and union, in which they assumed the appellation of "the United States of America," and limited the general dependence of each state upon the decisions of the delegates in congress, without depriving any of their full freedom of

action in the regulation of their own internal government.[g] They passed resolutions for raising by loan, at four per cent. eighty thousand dollars, for which certificates were to be given, and the faith of the United States pledged to the lenders for both principal and interest.[h] As these certificates were transferable, and liable to be depreciated, congress, by a subsequent law, subjected persons refusing to receive the paper currency for goods or debts, or withholding their property from sale, or raising the price, so as to make a difference between cash and paper, to forfeiture of their goods, loss of their debts, and a penalty proportioned to the amount of their transgression.[i] Another project for raising money was a lottery of four hundred thousand tickets, divided into classes, and in which five millions of dollars were distributed into prizes.[k] To re-animate the declining spirit of the people, congress published an address, in their accustomed style, recapitulating the topics of complaint against Great Britain, and fabricating many new charges arising out of the mode of conducting the war; vigour and unanimity, they said, would ensure success. They boasted of essential services already rendered by foreign states, of positive assurances of further aid, and spoke in contemptuous terms of British valour. The army, during the whole campaign, they said, had been checked in its progress, and had not, till within the last two weeks, ventured above ten miles from the fleet: their present advances were not produced by any capital success, but a sudden diminution of the American force from the expiration of enlistments. No terms could be obtained from Great Britain but unconditional submission: but cordial union would check the progress of the army, and reanimate the declining cause of America.[l] Even when

1776.
3d Oct. Other measures.
27th Dec.
18th Nov.
10th Dec.

[g] See Almon's Remembrancer, vol. iv. p. 240.
[h] Idem, pp. 219. 283.
[i] Remembrancer, vol. v. p. 36.
[k] Idem, p. 33.
[l] Idem, vol. iv. p. 270.

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1776. 20th Dec. They retire to Baltimore.

congress was compelled to abandon Philadelphia, and take refuge in Baltimore[m], no public act testified despair, or a desire to procure immunity by a sacrifice of public spirit. Some individuals joined the British army, and others maintained a constant correspondence with the generals for terms of safety[n], but the whole body, in all their public acts, maintained an unvaried appearance of dignity and sovereignty.

Miserable state of the army.

The army, the sole effective basis of their hopes, had been formed in a manner so unexpected, and on a plan so radically bad, that it could now only be viewed with sentiments of despair. The requisite interval for effecting a complete reform could not be expected; totally to disband the existing force was impossible, without abandoning every hope of final success; and yet, every disaster produced such great defalcations, that it was reduced to a number not exceeding five thousand, and even those were impatiently awaiting the day which should set them free from their engagement. In the beginning of hostilities enthusiasm, and a desire of assisting in a struggle for a supposed limited object, brought great numbers to the field, who exerted themselves with surprising ardour in the hope of abridging the contest. Yet even they were not insensible of their disadvantageous situation; they saw with joy the expiration of their term of service; and General Washington, after forming a few soldiers, felt the mortification of being obliged to train a new army. His second army differed, however, in many particulars from the first; the men were raised at the instigation of others, rather than by their own impulse, and brought with them many sordid views, and personal animosities, which threatened ruin to the cause. The parsimony of congress, animated in some measure by a jealousy of their own general, did not afford sufficient bounty to recruits, or an

[m] For this purpose they adjourned from the 12th to the 20th of December; having in the mean time appointed a solemn fast.

[n] From private information.

adequate pay to officers: consequently men who held commissions were known to practise the lowest arts to eke out their beggarly subsistence; they even pilfered the pay and blankets from their own privates. The officers were also elected by the troops, which produced a disgusting equality, no less offensive to manners, than subversive of subordination: some corps would not vote for officers, unless they consented to join their pay in a common stock, from which all should draw an equal portion. This gave rise to many low practices on the part of officers, and even subjected them to the necessity of exercising their trades for subsistence; so that in presence of several persons of consideration, one of them was seen shaving his own corps. The local animosities which distinguish every country were violent and rancorous in the American army [o]; and the militia were backward, undisciplined, and refractory. CHAP. XXIX. 1776.

The general constantly represented to congress the improvidence of raising a military force for so short a period as a year; and shewed the necessity of exercising a greater degree of vigour and generosity, by augmenting the bounties, enforcing the levies, and extending the period of service to three years, or the termination of hostilities. In pursuance of these representations, congress passed a vote for raising eighty-eight battalions to serve during the war, and fixed the proportion to be contributed by each state [p]; a bounty of twenty dollars was offered to each private; portions of land were promised to both officers and privates, or their widows or representatives, at the close of hostilities [q]; and to preserve the intended benefit to the objects 16th Sept.

[o] Stedman, vol. i. p. 206.

[p] It was as follows: Virginia and Massachuset's Bay 15 battalions each; Pennsylvania 12; North Carolina 9; South Carolina 6; New Hampshire 3; Connecticut and Maryland 8 each; Rhode Island 2; Delaware 1; Georgia 1; New York and Jersey, being partly in the possession of the British, only 4 each.

[q] The lands were promised in the following proportions:

To a colonel - - - -	500 acres.
Lieutenant-colonel - - -	450

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of its original destination, all assignments were declared void. Officers, except generals, were to be appointed by the governments of the several states; the commissions to be issued by congress. The charge of clothing was however to be deducted from the pay of the privates; and those who had already received a bounty of ten dollars, were, by a subsequent resolution, no less impolitic than mean, to be deprived of that sum in case they should re-enlist[r]. Orders were also issued for preventing the monopoly of military necessaries, for a more effectual supply of gunpowder, and for assuring its quality. These measures were not adequate to the increasing exigencies; General Washington remonstrated against the parsimony of congress; and advised, that instead of eighty-eight battalions, a hundred and ten should be raised: but even the smaller number could not be procured; the militia could not be stimulated into exertion, and the general saw that ten days more would terminate the existence of his army.[s]

18th Sept.

22d Oct.

20th Dec.

Hessians stationed at Trenton.

General Howe, relying perhaps with too sanguine confidence on the terror which his successes would spread among the Americans, divided his army into small detachments, far distant from each other, forming a chain of communication from the Delaware to the Hakensack, no less than eighty miles. Trenton and Bordenton, the barriers to the Jerseys, and lying nearest to the enemy, were defended by Hessian troops, under Colonel Rhalle, and Count Donop; these foreigners were offensive to the inhabitants from their inordinate rapacity in pursuit of plunder: they were unacquainted with the language, and incapable of

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Major - - - - -	400 acres.
Captain - - - - -	300
Lieutenant - - - -	200
Ensign - - - - -	150
Each non-commissioned officer and soldier	100

[r] See Almon's Remembrancer.

[s] Washington's Letters, vol. i. p. 349.

obtaining proper intelligence. By a singular improvidence, the posts of Trenton, Bordenton, White Horse, and Burlington, were weakest in respect of troops, and left unsecured from attack by any works of art, not a single redoubt or intrenchment being thrown up to prevent surprise; the other posts, in defiance of reason, were made stronger in proportion to the increase of their distance from the enemy, and decrease of their probable danger.

Surprised by Washington.

General Washington, well apprized of these favourable circumstances, strongly felt the necessity of making some brilliant effort, before the expiration of the year, but was at a loss for the means, particularly boats, when General Arnold visited the camp, and suggested a manœuvre equally daring and important.[t] Washington readily adopted Arnold's plan; and that enterprising officer having in twenty-four hours collected a sufficient number of boats, the commander in chief, by a judicious feint, drew Count Donop with his whole force from Bordenton, and dividing his troops into three parties, commanded them to meet on the banks of the Delaware on the night of Christmas, a season when customary festivity would add to the effects of the relaxed discipline which prevailed among the Hessians. Although the passage was begun as soon as it was dark, yet, from the quantity of ice, the artillery did not reach the opposite shore till three o'clock, and did not take up their line of march till almost four. These difficulties, however, and this delay, did not dishearten Washington. He formed his detachment, consisting of two thousand five hundred men, into two divisions, and each took a different road. As the distances were nearly equal, both were directed, immediately on forcing the guards, to press into the town, that they might charge before the Germans had time to form. They marched in a violent storm of snow and hail; the first division arrived exactly at eight o'clock,

26th Dec.

[t] From private information.

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the other in three minutes after: the out-guards made little opposition, being only few in number; they kept up, however, a constant retreating fire from behind the houses: the main body formed; but Colonel Rhalle, and seven other officers, being wounded, and the Americans surrounding them on all sides, twenty-three officers, and eight hundred and eighty-six men, laid down their arms. The enemy achieved this exploit with no loss, having only two officers, and one or two privates wounded. The entire force in Trenton consisted of fifteen hundred men, forming the regiments of Lanspach, Knyphausen, and Rhalle, and a troop of British light horse; but on the beginning of the attack, the remainder effected their escape by the road toward Bordenton. These would also have been captured, had the other two divisions of the American army been able to execute their instructions: General Ewing, who commanded one party, was to have passed the Delaware at Trenton ferry, and taken possession of the great bridge; General Cadwallader was instructed to cross with the Pennsylvania militia from Bristol; Ewing found it impossible to disembark any part of his force, from the great quantity of ice; and Cadwallader, after landing part of his infantry, was obliged to re-embark them, because he could not transport his artillery. General Washington, apprehensive of an attack from the post below Trenton, returned to Morristown the same evening with the prisoners and artillery he had taken; there were very few stores.[u]

When General Washington undertook this exploit, his chief object was to encourage his partizans, by a successful attempt; but he never seriously thought the military consequences could answer any further purpose than to animate the adherents of congress, by shewing that the redoubted Hessians, the veterans so

[u] This account is principally taken from Washington's own Narrative; Letters, vol. i. p. 360.

much dreaded in America, were not invincible. The prisoners were used for this purpose: they were conveyed to Philadelphia, and paraded through all the streets, serving at once as evidence of the reality of the victory, and an excitement to military ardour. The General expected that the scene of his success would have been immediately re-occupied by the British forces; but finding this expectation not accomplished, ventured again to cross the Delaware, with the same division of his army, not deterred by the quantity of ice already formed, nor by the fear of difficulty and fatigue.[x] At Trenton he made a muster of his force; and the persuasions of officers, and an advance of ten dollars to each, could only prevail on about half of those whose term of service was expired, to engage for six weeks longer.

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1st Jan. 1777.

Meanwhile the re-appearance of General Washington on that side of the Delaware, had alarmed the British General; and Lord Cornwallis, who had already reached New York, on his way to England, was ordered back to head the British troops in the Jerseys: he speedily effected a junction with General Grant, and found Washington, who had retired from Trenton, posted on some high grounds: a cannonade was carried on till night, and Lord Cornwallis expected to renew the attack in the morning; but the wary leader of the American troops, perceiving his opponent to be much superior in numbers, and hoping to surprise Princeton, where he rightly conjectured a small force only was left, quietly dispatched his baggage to Burlington soon after dark, and renewing his fires at midnight, and leaving guards at the bridge in Trenton, marched off silently by a circuitous and dangerous route. About sun-rise he reached Princeton, where he found only three regiments and three troops of light horse, under the command of Colonel Mawhood, who had just begun his march to join Lord Cornwallis.

Lord Cornwallis returns to the army.

2d Jan.

3d Jan. Washington surprises Princeton.

[x] See Washington's Letters, vol. i. p. 363.

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The colonel at first mistook the advanced guard of the enemy for Hessians, but soon recognizing his mistake, charged with great impetuosity: the van of the Americans was disordered; the seventeenth regiment, led by Captain Scott, pressed forward with fixed bayonets, drove the enemy into a ravine, and finding themselves unable effectually to contend against numbers so much superior, cut their way through, and pursued their march to Maidenhead, a village situated between Princeton and Trenton. The other two regiments, unable to make a similar progress, retreated to Brunswick with a loss of nearly half their force: the Americans took possession of Princeton, where they acquired some blankets, shoes, and a few other trifling articles, burned the hay, and destroyed some other effects: they captured also two brass field pieces, but, for want of horses, could not carry them away: the number of prisoners was near eight hundred, among whom were fourteen officers, all British.

At day-light Lord Cornwallis discovered the retreat of the American army, and entertaining apprehensions for the safety of Brunswick, which was in a defenceless situation, hastened to its relief. Had the American General made this attempt, he would have destroyed all the British stores and magazines, and taken the military chest, containing seventy thousand pounds: his original plan was to have pushed on to Brunswick; but he did not know the military chest was there; and the harassed state of his forces, (many of whom had not slept for thirty-six hours,) and the danger of losing the advantage already gained, by aiming at too much, induced him, by the advice of his officers, to relinquish the attempt. This change of determination may be principally imputed to the gallant resistance made by Colonel Mawhood, which occasioned such delay, that before the pursuit was finished, the rear of the English was in sight; General Washington, however, having had the precaution to break down the bridge over

Stony brook, obtained sufficient time to retreat unmolested to Pluckemin.[y] CHAP. XXIX.

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Lord Cornwallis with great difficulty pursued the track of the Americans, and was obliged to halt at Brunswick to refresh and repose his army. General Washington, perceiving that the British had totally evacuated Trenton and Princeton, took the opportunity, while Lord Cornwallis remained at Brunswick, to over-run all East and West Jersey, spreading his army over the Rariton, and penetrating into Essex county, where he made himself master of the coast opposite to Staten Island, by seizing Newark, Elizabeth Town, and Woodbridge. His head-quarters he fixed at Morristown, situated amongst hills, extremely difficult of access. A fine country was in his rear, whence he could draw supplies, and through which he could at any time secure an easy passage over the Delaware. These judicious movements not only saved Philadelphia and Pennsylvania, but recovered great part of the Jerseys, in defiance of an army superior in discipline, resources, and numbers. Of all their recent extensive possessions in the Jerseys, the English now retained only the posts of Brunswick and Amboy; the first situated on the banks of the Rariton; the second on a point of land at its mouth. And recovers the Jerseys.

Thus the campaign of 1776 concluded, and the review affords few motives of satisfaction: the progress of the British arms was arrested, and the result of previous successes ravished from their grasp by an enemy in every respect inferior. The tardy commencement of the campaign gave time for congress to issue their declaration of independency, which frustrated all attempts at conciliation; but had General Howe, who possessed abundant means, begun his operations earlier, and with vigour, the violent party would not have carried their hardly-contested point, nor have obtained the sanction of the people in rejecting the proffered Observations on the campaign.

[y] Principally from Washington's Letters, v. ii. p. 3.

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terms of peace. The languid pursuit of the Americans across the Jerseys has been perhaps more blamed than it deserves: it appears from General Washington's letters, that the progress of the British troops was impeded at the close of November by bad weather, and no delay took place afterwards which could be avoided: the Americans possessed the advantage of moving a light unincumbered body of troops over a territory with which they were perfectly acquainted. The generals have been frequently accused of neglecting opportunities to gain the rear of the American army, and thus completely overwhelm them; but such allegations are always to be received with caution; a movement of the kind appears perfectly easy to men who merely reason, and is easily demonstrable on paper, but if attempted in the field, might involve a victorious army in inevitable ruin, or at best be frustrated by the most simple dictates of the momentary exigency. No adequate vindication, however, appears for the strange manner in which the troops were posted in the Jerseys: General Howe adopted the measure in contradiction to his better judgment[z], but his error is in every point of view inexcusable. Equally culpable was the shameful neglect of caution and discipline which facilitated the surprise at Trenton, and for which Colonel Rhalle paid with his life. But Rhalle alone was not blameable: General Grant, his superior in command, omitted the important duty of visiting his posts, giving his orders, and personally inspecting their execution. After the event at Trenton, the British army seems to have been paralysed by alarm, incapable of resolute measures for assailing a foe who still held them in terror, or for prudent defence of a province, which no force possessed by the Americans could have wrested from them.

[z] He was remonstrated with on the subject, and a few days before Washington's attack wrote to a general officer in these terms; "I have been prevailed upon to run a chain across Jersey; the links are too far asunder." From private information.

The pacificatory powers were not always used with judgment: the proclamations and overtures for conciliation were wise and sufficiently dignified; but when the most considerable persons in New York, Queen's County, Long Island, and several towns, ports, and inferior places, presented petitions to the commissioners, professing an acknowledgment of the supremacy of the King, and the constitutional authority of Great Britain; and when they followed these declarations by raising a militia, and a considerable body of troops for the royal service, no attention was paid to their request for a restoration of those rights which the law and the proclamation intitled them to claim. In such a period, when the public faith was to be vindicated, and a good example presented, verbal disquisitions should not have been assiduously sought; and if declarations, attended by such acts, were not so forcibly worded as the friends of parliamentary authority might wish, it was nevertheless their interest, and their duty, to present every facility to an accommodation, which was of more importance than a long series of victories. [a]

But if this neglect was prejudicial to the British cause, how much more fatal was the detestable licentiousness in which the military were permitted to indulge in the Jerseys. Plunder and wanton insult disgusted and incensed the natives, and afforded opportunities of reproach, which were not neglected by the partizans of America [b]; details of each specific wrong were taken on oath, and published in the newspapers, to irritate the people against the King and the British nation. Thus the minds of the loyal received a contrary impulse, and many in desperation joined the Americans. [c] In vain will it be alleged, in palliation of these un-

[a] See Annual Register, 1777, p. 13.

[b] See Galloway's Letters to a Nobleman on the Conduct of the War in the middle Colonies, p. 42. Washington's Letters, v. ii. p. 2.

[c] Galloway's Letters to a Nobleman, p. 43.

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denied enormities, that it was impossible to restrain the furtive and licentious disposition of the foreign mercenaries; were this allegation true, it proves only the impolicy of taking up winter-quarters with such troops, in a place where it was desirable to keep alive the spirit of loyalty: but on the contrary, Rhode Island, under the more discreet and correct management of Lord Percy and General Clinton, exhibits not a single instance of complaint.

CHAPTER THE THIRTIETH.

1776—1777.

Meeting of Parliament. — King's Speech. — Debates on the Address. — Differences in Opinion among the Members of Opposition. — Debate on the Proclamation at New York. — Partial Secession of Opposition. — Recess — Attempt to burn the Royal Arsenals. — Bill for suspending the Habeas Corpus — Amended in the Committee. — Act for issuing Letters of Marque. — Lord Chatham's Motion respecting America. — Debates on Taxes and Supplies. — King's Message respecting the Arrears of the Civil List. — Supply granted. — Debate and Protest in the Lords. — Speech of Sir Fletcher Norton on presenting the Bill to the King — he is thanked by the House — Debate on the Subject — his Conduct more decisively approved. — Close of the Session. — King's Speech. — State of the Public Mind. — State and Views of Foreign Powers with respect to Great Britain.

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A TEMPERATE speech from the throne opened the session of parliament. The King declared, nothing could have afforded him so much satisfaction as to state, that the troubles by which the American colonies had been so long distracted were at an end; and that the unhappy people, recovered from their delusion, had delivered themselves from the oppression of their leaders, and returned to their duty: but so daring and desperate was the spirit of those leaders, whose objects had always been dominion and power, that they had openly renounced all allegiance to the crown, and all political connexion with this country; rejected, with circumstances of indignity and insult, the means of conciliation, and presumed to set up their rebellious confederacies for independent states. If their treason was suffered to take root, much mischief must grow from it to the safety of the loyal colonies, the commerce of the kingdom, and

31st Oct. Meeting of Parliament. King's speech.

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indeed *to the present system of all Europe.* The success of the British arms gave the strongest hopes of decisive good consequences; but notwithstanding this fair prospect, it was necessary to prepare for another campaign: he recapitulated the pacific assurances of the European powers, and observed, he could have in this arduous contest no other object but to promote the true interest of his subjects. No people ever enjoyed more happiness, or lived under a milder government, than the revolted provinces, a fact proved by their progress in the arts, their numbers, their wealth, and strength by sea and land, which inspired an over-weening confidence. He was desirous to restore to them the blessings of law and liberty, equally enjoyed by every British subject, which they had fatally and desperately exchanged for the calamities of war, and the arbitrary tyranny of their chiefs.

Amendment to the address moved.

An amendment to the address was moved by Lord John Cavendish, and seconded by the Marquis of Granby, totally altering all the sentiments of the original. It began by affirming, that the disaffection and revolt of a whole people could not have taken place without great errors in conduct toward them. These errors were imputed to a want of sufficient information in parliament, and a too implicit confidence in ministers. Hence schemes for the reduction and chastisement of a supposed inconsiderable party of factious men, had driven thirteen large provinces to despair: a hearing had been refused to the reiterated complaints and petitions of the colonists; and commissioners, nominated for the apparent purpose of making peace, were furnished with no legal power but that of giving or withholding pardons at pleasure. His majesty, instead of sending out commissioners, according to the promise in his speech at the beginning of the last session, as speedily as possible, had not dispatched them till seven months afterward; consequently the inhabitants of the colonies, apprized that they were put out of the protection of government, and seeing no means pro-

vided for their return, were furnished with reasons but too plausible for renouncing dependence on the crown. "We understand," the amendment proceeded, "that, amidst the many disasters and disgraces attending His Majesty's arms in America, an advantage has been gained in the province of New York, which, if wisely, moderately, and providently used, may produce happy effects. Nothing shall be wanting on our part to forward reconciliation, by laying down permanent grounds of connection between Great Britain and her colonies, on principles of liberty, and terms of mutual advantage. We should most heartily congratulate His Majesty, on any event leading to the great desirable end, of settling a durable peace by the restoration of the ancient affection which happily subsisted in former times. We should regard, with shame and horror, events tending to break the spirit of any large part of the British nation; to bow them in abject, unconditional submission to any power; annihilate their liberties, and subdue them to servile principles and passive habits, by the mere force of foreign mercenary arms; because, amidst the excesses and abuses which have happened, we must respect the spirit and principles operating in these commotions. Our wish is to regulate, not to destroy them; for, though differing in some circumstances, those very principles evidently bear so exact an analogy with those which support the most valuable part of our own constitution, that it is impossible, with any appearance of justice, to think of wholly extirpating them by the sword, in any part of His Majesty's dominions, and establishing precedents the most dangerous to the liberties of this kingdom."

This intemperate amendment was supported by arguments equally violent and unfair. The value of the conquests made by the British arms was studiously depreciated. The victory at Long Island was not a matter of triumph; the island itself was a mere outpost to New York, as New York was an outpost to America, and it would have been the extreme of folly and

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rashness in the provincials to attempt maintaining it. The use of the word treason, in the King's speech, afforded much ground for reprehension, for strenuous vindication of the Americans, and prognostics of final failure. "Alas! Sir," Mr. Wilkes exclaimed, "what we call treason and rebellion, and they just resistance and glorious revolution, has taken root, a very deep root indeed, and has spread over almost all America. The loyal colonies are three, the free provinces thirteen." The declaration of independence, he observed, was not entirely unexceptionable, but the Americans were driven to it by rigorous persecution. We had hired foreign troops to fight against them, and they had no resource but throwing off the yoke, and inviting foreign aid. Ministers might safely predict that the Americans would declare themselves independent, when they knew that the unjust and sanguinary measures they intended to pursue must occasion the event. The Jesuits risqued nothing when, in 1610, they prophesied the death of the best prince that ever reigned in Europe, within that year; they verified it by employing Ravillac to assassinate their sovereign. The colonists followed the example of England against James II. When he quitted the kingdom, they declared the throne abdicated, and chose another king. When the late severe laws were passed against the Americans, they were thrown into anarchy; they declared we had abdicated the government, and therefore they were at liberty to choose a government for themselves. "The speech mentions a discovery of the original designs of the leaders of the Americans. In God's name who made the leaders? How came they to be so? If you force men together by oppression, they will form into bodies and choose leaders. Mr. Hancock was originally a merchant of credit and opulence: such men are not very prone to a change of government. A few old women have said, that the civil war of last century was contrived by Cromwell; the first opposition to Charles I. was begun in order to

advance him to the protectorship. A similar sagacity and penetration has now happily discovered the original views of those who are leaders of the Americans. We have been two years engaged in a savage and piratical, as well as unjust war; every demand of government has been complied with, and not a single province has been hitherto recovered; on the contrary, the evil grows more desperate; last year only twelve colonies petitioned the throne; this year, by the accession of Georgia, we have seen a federal union of thirteen free and powerful provinces asserting their independency as high and mighty states, and setting our power at defiance. This was done immediately after the safe landing of your whole force, with circumstances of spirit and courage, to which posterity will do justice." The line of conduct recommended by the amendment, was considered as not sufficiently extensive to save the empire. To preserve, even for a short period, Canada or the West India Islands, or to recover any part of the immense territory lately lost, the fleets and armies must be recalled, all the acts passed since 1763 be repealed, and the charters restored. We might then, if they could forgive and trust us, treat with the Americans on fair and equal terms, without the idea of compulsion, and a foundation might be laid for restoring peace, internal tranquillity, and unity to this convulsed and dismembered empire. If conquest or abandonment were the only alternatives left, America should be abandoned. The benefits hitherto resulting from the possession of America had been extent of trade, increase of commercial advantages, and a numerous people growing up in the same principles and sentiments with ourselves. All these must be lost if America was conquered; possession must be secured by a large standing army; which army must be cut off from the intercourse of social liberty in Great Britain, and accustomed, in every instance, to bow down and break the spirits, trample on the rights, and live on spoils cruelly wrung from the sweat and labour of their fel-

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low subjects; such an army, so employed and so paid for supporting such principles, would be a proper instrument to effect purposes of a greater, or, at least, more favourite importance; points more immediately hostile to the liberties of the country.

The interposition of the Bourbon family was pronounced inevitable, no less speedy than certain; Colonel Barré peremptorily asserted, that a war of the most serious kind was impending, a war from the united powers of France and Spain. Mr. Wilkes ridiculed the reliance on the pacific declarations of our natural enemies. Has fate ordained, he said, that we shall neither possess capacity to profit by the example of others, nor even by our own experience? In the very first year of the present reign, in September 1761, the Gazette told us, "the Catholic King had, at no time, been more intent on cultivating a good correspondence with England, than in the present conjuncture;" a declaration received seriously here, held out as part of the court creed, and laughed at by all the rest of Europe. In the beginning of the following January, without the occurrence of new facts of any moment, war was declared by England against Spain. Will the plausible, smooth-tongued French, likewise be able to lull us into a fatal security against the evidence of all history?—Mr. Fox denied the principle, that it was repugnant to the interests of France and Spain to permit the independence of America: such an assertion was contrary to common sense. Is not the division of an enemy's power advantageous? Is not a free country, engaged in trade, less formidable than the ambition of an old corrupted government, their only formidable rival in Europe?

In the course of the debate, several animadversions were made on a large creation of peers during the recess, and on the issuing press-warrants to man the navy, which had occasioned some discussions between the admiralty and the city. The King's, or, as it was for form's sake termed, the minister's speech, was

reprobated as an entire compound of hypocrisy, an infamous, groundless libel, fabricated by a tyrannical faction, against some of the most valuable members of the British community. An insidious, hypocritical speech, that held out law and liberty at the point of the sword, and, like a deceptious mirror, reflected a false image of truth.

Government was defended by Lord North and Lord George Germaine, but they did not traverse the extensive field to which they were challenged by the declamations of opposition. The minister denied the charge of withholding information; he always communicated as much as he could consistently with safety. Lord George Germaine said, that even the American statements of the propositions made by General Howe, proved that he was eager for the means of peace and conciliation; but Washington was adverse. The forcible and satisfactory assurances of the court of France, afforded no reason to doubt their pacific intentions: should it nevertheless prove otherwise (and the minister not pretending to be a prophet, would not answer for the events of the next six months) Great Britain was prepared to cope with any enemy. The notion that the house of Bourbon should engage in war to assist America, was treated with great disdain: "Would those countries," Lord George Germaine asked, "blind to their own interests, wish the spirit of independence to cross the Atlantic? Could they be exempt from fear that their own colonists would catch fire at the unlimited rights of mankind; and prefer that language to slavery and digging gold? And would not great danger arise from the vicinity of powerful independent states, freed from European controul?"

Lord North repelled the charge of hypocrisy, so freely advanced against that part of the speech, which stated the King's desire to restore to the Americans law and liberty. Instead of being absurd or hypocritical, it was supported by fact and sound logic; law

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and liberty were fled from America, but the debate of the day had fully proved, they had not quitted this country. Those who had thrown so many reflections on administration, would have found a grievous difference, had they dared to make so free with the congress. It had always been the wish of administration to bring matters to an early issue, and avoid bloodshed; to use success and victory with prudence and moderation, rather as means of cementing lasting unity and amity, than as objects of triumph, instruments for forging the chains of slavery, or excuses for tyranny and oppression.

Rejected.

The amendment was negatived. [d]

In the House of Lords.

In the House of Lords, the Earl of Carlisle moved the address; and an amendment, exactly similar to that of Lord John Cavendish, was proposed by the Marquis of Rockingham. The debate was no less violent than in the lower house, but not distinguished by much novelty of argument or assertion. The friends of administration observed, that the daring and open hostilities which preceded the declaration of independency, would never have happened, if a disobedient traitorous spirit had not been fomented, nourished, and strengthened by a party in Great Britain, who, deserting its interests, shamefully sacrificed them to personal views of faction and ambition. The ground taken in the amendment, became dangerous in proportion to its plausibility; for it was, indeed, hardly conceivable, that the people of America, who owed so many obligations to the parent state, who were at once bound to it by every tie of gratitude and interest, and every bond of union which nature and affection could render sacred, would break and cancel them all without real provocation; but the event had proved the contrary; and as opposition was formerly founded on the idea, that America never did aim at independency; as the question had totally

[d] 242 to 87.

altered its nature, the unanimity ought to be as complete, as it would be decisive in restoring peace to a distracted and divided empire. Great Britain, deprived of the wealth and strength acquired from the colonies, would lose her importance in the system of Europe, and, in the end, become a province of the first ambitious power who might think proper to attack her. Great Britain and Ireland, inferior in population, and divided by seas, could not withstand the formidable power of France, if divested of the sources of wealth and strength derived from the colonies, which must be the result of tamely permitting America to remain independent.

Differences of opinion among the opposition.

The lords in opposition, although they agreed in reprobating the King's speech, and vilifying the conduct of ministry, were not in unison in other respects. Lord Shelburne called the speech a piece of metaphysical refinement, framed for delusion; the defence made to continue the imposition, was nothing more than a string of sophisms, no less wretched in their texture, than insolent in their tenor. In an analysis, he should prove this composition a mixture of the most unqualified absurdity, treachery, cruelty, hypocrisy, and deceit. He descanted on the different paragraphs of the speech, pronouncing them all utterly false, differing only in this, that some of the falsehoods were fallacious, some specious, some gross and notorious.

The Duke of Richmond declared himself morally certain, that all attempts to recover America would be vain; the moment was passed; she was irretrievably lost; and it would be much better to have the people friends than enemies, even at the price of acknowledging their independence. Lord Sandwich considered such doctrine derogatory to the honour, disgraceful to the character, and destructive to the interests of England. He would hazard every drop of blood, and the last shilling of the national treasure, rather than Britain should be set at defiance,

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bullied, and dictated to by her ungrateful and undutiful children, her disobedient and rebellious subjects: and Lord Shelburne said, he never meant this country should relinquish its right of commercial controul over America; on the contrary, the power of regulating the colonial trade, was the very essence of the connexion between the countries; even were this regulatory power, in its most full and extensive sense, acknowledged by the colonies, something more was to be expected; for the national debt was truly and equitably the debt of every individual in the whole empire, whether in Asia, America, or nearer home.

After a long discussion respecting the pacific intentions of France and Spain, and the state of the navy, the amendment was negatived[c], but entered on the journals as a protest, and signed by fourteen peers.

6th Nov. Debate on the proclamation at New York.

Lord John Cavendish again solicited the attention of the House, by producing a copy of the declaration issued by Lord Howe and his brother, on taking possession of New York, which had been recently published in the newspapers. The authenticity of the proclamation being avowed by the Chancellor of the Exchequer and Secretary of State for America, Lord John Cavendish, though astonished at the contents, and the extraordinary manner in which they were imparted to the public, congratulated the House on the gleam of peace and conciliation. Parliament had been treated with the most mortifying contempt; commissioners were sent out with powers only to grant pardons, and receive submissions; yet, wonderful to relate, parliament is informed, through the channel of a newspaper, that those commissioners are authorised to answer directly for the sovereign, and obliquely for the concurrence of the two other branches of the legislature, in revising all acts, by which the Americans are aggrieved. Parliament were reduced to cyphers in the whole conduct of the business; they

[c] 91 to 26.

were called on, by way of requisition, to sanction acts which would render them abhorred by their fellow subjects in every part of the empire; but when an appearance of lenity is shewn, all the merit was attributed to the King and his ministers. Yet if the proposals were sincere, he would not found objections on mere punctilios; to give the negotiation more weight and efficacy, Parliament ought, as the first proof of a pacific disposition, to co-operate in so desirable a work. He intended therefore to move, that "the House should resolve itself into a committee, to consider of the revisal of all acts of Parliament, by which His Majesty's subjects in America thought themselves aggrieved." This motion, if acceded to, would remove the strong impression existing in the minds of the Americans, that, under every ministerial promise, lurked treachery, deceit, imposition, or an insidious intention to divide, in order the more easily to break their strength, and subdue them.

Mr. Burke, who seconded the proposition, spoke with enthusiasm of the *exalted heroism* of an old woman, found in a cellar at New York, besmeared and smutted all over, marked with rage, despair, and resolution; who had buried herself in combustibles to fire the city, and perish in its ashes. He called the conflagration created by American incendiaries, an interposition of Providence, to arrest the progress of British arms in the moment of success.

Although two Gazettes had been published, it was said, the ministers had not in either allotted a place to the most important paper which had appeared during the contest. Parliament was trifled with by the concealment of such a dispatch, and the King was either made to guide their proceedings, or give insincere promises. The proclamation was, in fact, a mere mockery: the departure of the commissioners having been purposely delayed till the declaration of independence frustrated their pacific proposals. The only terms really intended were, "Lay down your

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arms, and then we will do just as we please:" the most cruel conqueror, Mr. Burke observed, could not say less; and if a conquest had been gained over the devil himself in hell, a smaller portion of liberality could not have been shewn.

The ministry, declining to investigate critically, literally, or philologically, the passage in the declaration which gave rise to the present motion, defended themselves on each of the points urged by opposition, with considerable address. The proclamation was not, as had been supposed, received with the dispatch from General Howe; but was left at Falmouth with dispatches of inferior importance, and being transmitted to the metropolis in the usual way, did not arrive till the Extraordinary Gazette was already published; nor did the ministers consider it of importance enough to claim a place in the Gazette; but it was not concealed, many copies having been affixed to the walls of New York, and dispersed through America. The King, in promising a revision of the obnoxious acts, spoke only as the head and mouth of the nation and the legislature; but the declaration of independence rendered the parliamentary interference, proposed by the motion, utterly improper. Was it consistent with common sense to aim at obliging those, whose principal object was to render themselves free from all connection with Great Britain, as their superiors? The question of independency must be settled as a preliminary; if the Americans adhered to that, it would be vain to think of discussing any other. The right to tax could not be agitated as the means of reconciliation; nor would the restitution of charters give satisfaction to the American insurgents. They openly declared themselves as unwilling to submit to the terms of their charters, as to the Boston acts: while the spirit of independency remained unsubdued, resolutions or revisions would not be efficient means of conciliation. To treat, while they avowed their sovereignty and independency, or form legislative regulations for those

who, both as subjects and independent states, had ever disputed the power and authority of parliamentary legislation, was impossible. Let them acknowledge the right, point out the constitutional abuse of it, and the grievances flowing from that abuse, no objection should be made to the proposed committee, or to the adoption of efficacious and speedy measures, not only for remedy of real grievances, but even, in some instances, for accommodating their prejudices. The Americans, it was observed, had no reason to wish for a continuance of their present government. The congress tyrannized over the people; their power and practice of punishment by imprisonment were utterly incompatible with every idea of freedom. The liberty of the press was annihilated; a printer, who dared to publish a sentiment or fact contrary to their system and interests, would be instantly ruined; nor was the freedom of private letters, or private conversation, tolerated. The success of the royal army might, it was rationally hoped, dissolve this horrible tyranny, and enable the oppressed Americans safely to avow their real opinions, and without danger, return to their duty.

The motion was complained of as a surprize, a sudden and unexpected manœuvre, no business of consequence being expected before the recess; and it was rejected. [f]

Partial secession of opposition.

From this time, many members of opposition, particularly the Rockingham party, withdrew from the House of Commons whenever any question relative to America was to be discussed: to make their conduct more conspicuous, they generally attended the private business, and then, in a formal manner bowing to the chair, retired. Such secessions were not new; nor have they ever been known to produce any good effect; the act of retaining a seat in the senate, and yet ostentatiously refusing to fulfil any of its duties,

[f] 109 to 47.

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is in itself of a nature to demand vindication or apology: the objections are broad and easy of comprehension; the justification, if valid as to political circumstances, is subject to many cavils, arising from the personal motives which may be imputed to individuals. In the present case, the measure wanted the respectability which results from unanimity; and the reasons advanced in its defence were not sufficient. — "All opposition to the measures of government," it was said, "particularly with respect to American affairs, was not only vain and fruitless, but from the overbearing force which supported the ministers in every question, it became worse; it became frivolous and contemptible. It was too degrading, to be the continual instruments of opposing the ineffective weapons of reason and argument to the deaf insolence of an irresistible power, which had long determined on its conduct, without the smallest regard to either. It was impossible to save a people against their will; and the minority had for a succession of years, repeatedly apprized and warned the nation of the dangers attending the ruinous measures then pursued, and of the fatal precipice that must terminate that mad career, in which they were blindly and desperately driven. The people, deluded by various arts, and influenced by passion and prejudice, cordially acquiesced in the opinions of administration, and it was not consistent for those who regarded their honest fame beyond all other considerations, excepting their principles and honour, to incur the odium of their fellow-citizens, by ineffectual efforts to serve them. They would therefore, preserving their principles still unshaken, reserve their activity for rational endeavours, when the present delirium might be so far allayed, either with the people or the ministers, as to afford room for its operating with advantage."[g] These pretences, however loftily

[g] Annual Register for 1777, p. 49, 50. See also Burke's Letter to the Sheriffs of Bristol.

sounded, bespeak only the rage and mortification of a party disappointed in a contest for power; if the measures pursued by administration were successful and popular, opposition was needless, but a formal secession, marked neither wisdom nor magnanimity. Removed from the senate, the proper sphere of action and true source of honourable distinction, the most eloquent and discerning lose their pre-eminence, and become confounded with the ignorant; the public rarely feel the want of individuals so much as to demand exertions from those who are reluctant; and no great body can be expected to bend to a mode of conduct, which seems the offspring of sullenness, caprice, or vanity. In the present instance, the seceders were extremely unfortunate: could they have foreseen the reverses attending the close of the campaign, they would not probably have absented themselves so early in the session; they regarded only the present aspect of affairs, had few adherents in England, and, from the course of the war, despaired of long retaining an ostensible party in America.

Recess.

The resolutions on the navy and army estimates were voted without much opposition, and on the day appointed for a general fast, both Houses adjourned for the Christmas recess.

13th Dec.

Attempt to burn the royal arsenals.

While the attention of parliament was engaged in discussing the conduct of incendiaries in America, the prosperity of England was imminently endangered by an individual of that detestable description, instigated by American emissaries. A gloomy, unsocial, erratic adventurer, whose real name was James Aitken, but his common appellative John the Painter, after a long residence in America, went to Paris, and, it has been said, being introduced to Silas Dean, a minister from congress to the French court, received encouragement from him to undertake the destruction, by fire, of the dock-yards throughout England. This man had been long habi-

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tuated to crime; but his want of sociality prevented him from being traced or betrayed, and thus secured him from punishment. Neither suspicion nor ordinary vigilance prevented the full execution of his plan, but his ignorance in the preparation of combustibles, some of which, after being safely deposited and lighted, failed in their effect. The rope-house at Portsmouth was, however, destroyed, and Government being at once alarmed and astonished, pursued such measures that he was apprehended, convicted, and hung in chains. His confession proved his being employed by Silas Dean, and exposed the prevailing negligence, relative to those important arsenals, upon which the very existence of the British empire depends. [h]

1776. 7th Dec.

10th Mar.

1777. 6th Feb. Bill for suspending the habeas corpus.

The first business which occasioned any debate of importance, was a bill brought in by the minister for enabling the King to "detain and secure persons charged with, or suspected of high treason, committed in North America, or on the high seas, or the crime of piracy." By this law, magistrates were empowered to commit such persons to any place appointed by the King, under his sign manual, and they were to be detained, without bail or mainprize, and not brought to trial, or admitted to bail, without an order from the privy council. The progress of this bill was contested with a warmth and pertinacity proportioned to the magnitude of its objects and the importance of the habeas corpus, that inestimable privilege, which it was intended to suspend. Lord North, on the motion for introducing it, observed, that during the war many prisoners, had been made, who were in actual commission of high treason; and many might be taken in the same predicament, but perhaps for want of evidence, could not be legally confined. It had been customary on similar occasions of rebellion, or danger of invasion,

[h] See Annual Register, 1777. p. 245. And the trial at large of James Aitken, taken in short-hand by Joseph Gurney. A bill was, in the course of the session, brought into parliament for protection of private dock-yards from similar attempts; it occasioned a long debate on the nature of crime and punishment (13th May) but was dropped.

to enable the King to seize suspicious individuals; but ministers, at present, did not demanda confidence so extensive; there was no domestic rebellion; nor any prospect of invasion; but as the law stood, it was not possible, officially, to apprehend the most suspected person; prisoners made from the rebels, and in the act of piracy on the high seas, could only be legally confined in the common gaols, a mode which their numbers would render impracticable. It was necessary the crown should have a power of confining them like other prisoners of war. CHAP. XXX. 1777.

On the second reading, Mr. Dunning endeavoured to excite distrust of the bill, by insinuating, that crown lawyers might extend its operations to persons who never saw America, nor perhaps the high seas. The power, endeavoured to be vested in the crown, was dictatorial, or strikingly similar to that exercised by the Roman dictators. No man could be exempt from punishment, because innocence would no longer afford protection. The bill would generate innumerable spies, informers and false accusers; and furnish the means of gratification, emolument and safety, to the most profligate of the species; while it would let loose with impunity, the blackest and most horrid vices which disgrace the human mind. Justice would be bound as well as blind; and it would be in the power of every revengeful minister, or mercenary villain, to satiate his revenge, or replenish his purse at the expence of the best and most virtuous of men. 10th Feb.

"Who knows," said Mr. Fox, "but the ministers, in the fulness of their malice, may take into their heads that I have served on Long Island under General Washington? What would it avail me, in such an event to plead an *alibi*; to assure my old friends, that I was, during the whole of the campaign, in England; that I was never in America, or on any other sea but between Dover and Calais; and that all my acts of piracy were committed on the mute creation? All this may be very true, says a minister, or a mi-

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nister's understrapper, you are for the present suspected, that is sufficient. I know you are fond of Scotland; this is not the time for proofs; you may be, and very probably are innocent, this bill cares not whether you are guilty or innocent; I will send you under the sign manual, to study the Erse language in the isle of Bute; and as soon as the operation of the bill is spent, you will be at liberty to return, or go whither you please. You may then call on your accusers to prove their charges of treason in America, on the high seas, and of piracy; but they will laugh in your face, and tell you they never charged, they suspected you; and the Act of Parliament will serve as a complete plea in bar; it will answer a double end; it will be at once your redress and our justification. Weakness, cruelty, suspicion and credulity," he observed, "are almost alway inseparable. Ministers were credulous in the extreme, because fearful, and they were fearful from a consciousness of their crimes. The bill included not only confinement, but the power of temporary banishment, even to the most remote, unhealthy and pestiferous climate, within the wide circuit of His Majesty's dominions."

Mr. Thurlow insisted, that the bill meant only to apprehend, commit and confine persons actually charged or suspected of high treason in America, or on the high seas, or of piracy. It was highly absurd and preposterous to suppose it was framed intentionally to reach disaffected persons within this realm; though if it did operate to that extent, he should hardly consider it a fault.[1]

10th Feb. Amended in the committee.

As the supporters of the bill urged the propriety of correcting the different clauses in a committee; several amendments were proposed in that stage of its progress. One was moved by Sir Grey Cooper, secretary to the treasury, which rendered the place and extent of the crime subjecting persons to the operations of the act more definite and certain.

[1] The motion for committing the bill was carried 195 to 43.

A petition was presented from the common-council of London, praying that the bill might not pass, or at least might be prevented from extending to persons resident in Great Britain. A clause was introduced, excluding all minor acts of piracy[k] from the construction of the act; and on the third reading, Mr. Dunning moved an additional clause, which was received with an amendment, and added as a rider, restricting the operation of the act to persons who were actually absent from the realm, or on the high seas at the time of committing their offences. These alterations were not adopted without violent debates; the members of opposition were anxious to obtain every qualifying explanation of the bill, though they strenuously resisted the whole principle; and the crown lawyers were not in perfect harmony in their opinions, respecting the constitutional question involved in its principle, or the precise value of the clauses given up or amended.[l] 14th. 17th.

In the House of Lords no opposition was made; a protest, in four articles, signed by one peer (the Earl of Abingdon) only, was entered on the journals. 24th.

No other act of importance was passed in this session relative to America, except one for enabling the lords of the admiralty to grant letters of marque and reprisal against vessels of that country: it occasioned no remarkable debate in either house: an amendment proposed by Lord Marchmont, for substituting the phrase, letters of permission for letters of marque, was readily adopted, as it removed the appearance of placing the Americans on the footing of alien enemies. Act for issuing letters of marque.

Toward the close of the session, Lord Chatham, who had not before attended in his place, moved for

[k] Such as trading and corresponding with pirates, furnishing them with stores, and several other transactions affected by sundry acts of parliament.

[l] The question on the third reading was carried by 112 to 35.

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1777. 11th Feb. 30th May. Lord Chatham's motion respecting America.

an address, advising His Majesty to take speedy and effectual measures for putting a period to the unnatural war with America, and terminating such hostilities on the only just and solid foundation, the removal of accumulated grievances. The House, at the request of Lord Camden, was summoned for the express purpose of deliberating on this motion.

Lord Chatham began by observations on the critical emergency of the times, and prognosticated that unless an end was put to the war, there was an end to the country. The Americans were called rebels; he did not mean to make their panegyric; but there was a time when they raised four regiments on their own account, and took Louisbourg from the veteran troops of France; their excesses had been great; but were extenuated by the erroneous and infatuated counsels which had closed the door to mercy and justice. He decried the efforts used to conquer the provincials: "You have ransacked," he said, "every corner of Lower Saxony; but forty thousand German boors never can conquer ten times the number of British freemen: they may ravage; they cannot conquer. But what would you conquer? the map of America? What will you do out of the protection of your fleet? In the winter, if together, the troops are starving; and, if dispersed, cut off in detail. I am experienced in spring hopes and vernal promises; I know the boastings of ministers; but at last will come your equinoctial disappointment. They tell you that your army will be as strong as last year, when it was not strong enough; you have obtained nothing in America but stations, and have been three years teaching your opponents the art of war; they are apt scholars, and I will venture to affirm, that the American gentry will furnish officers fit to command the troops of all the European powers. You have employed forces, too numerous for peace, too limited for war.

"I have, at different times," he proceeded, "made different propositions, adapted to circumstances. The

plan contained in my former bill, is now impracticable; but the motion I intend to propose may produce a respectable division in America, and unanimity at home. It will give America an option; she has yet had no option. You have said, lay down your arms, and she has given you the Spartan answer, 'come take.' Lord Chatham explained his plan to mean, a redress of all grievances, and an acknowledgment of the rights of the Americans to dispose of their own money. "This would be the herald of peace; this would open the way for treaty; this would shew parliament sincerely disposed. Yet much must be left to treaty. Should you conquer this people, you conquer under the cannon of France; under a masked battery then ready to open. You are now at the mercy of every little German chancery: and the pretensions of France will increase daily, so as to become an avowed party in either peace or war. We have tried for unconditional submission; try what can be gained by unconditional redress. Less dignity will be lost in the repeal, than in submitting to the demands of Germans. We are the aggressors; we have invaded America, as much as the Spanish armada invaded England. Mercy cannot be injurious; it will seat the King where he ought to be, throned in the hearts of his people; and millions at home and abroad, now employed in obloquy or revolt, will pray for him. The present moment was the crisis," he observed, "before France was party to the treaty; before the fate of the country was decided. The French court was too wise to lose the opportunity of effectually separating America from the dominions of this kingdom; and whenever France or Spain entered into any treaty with America, Great Britain must immediately declare war against them. He would be among the first to advise it, even if we had but five ships of the line in our ports; and such a treaty must and would shortly take place, if pacification was delayed. War between France and Great Britain was not less probable, because it had not yet been declared;

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it would be folly in France to declare it now while America gave full employment to our arms, and was pouring into the lap of France her wealth aud produce; the benefit of which she was enjoying in peace. Were it practicable, by a long continued course of success, to conquer America, no benefit could be derived but from the good-will and pure affection of the inhabitants, which were not to be gained by force of arms, but by conciliation and justice."

In a subsequent part of the debate, Lord Chatham gave a more specific detail of his views. "I wish," he said, "for a repeal of every oppressive act passed since 1763. I would put our brethren in America precisely on the same footing they stood at that period. I would expect, that being left at liberty to tax themselves, and dispose of their own property, they would, in return, contribute to the common burdens according to their means and abilities. I will move for a bill of repeal, as the only means left to avert that destruction which threatens to overwhelm us. I shall no doubt hear it objected, why should we concede? Has America done any thing on her part to induce us to agree to so large a ground of concession? I think you should concede, having been the aggressors from the beginning. It is the business of this country to make the first overtures, for I say again, this country has been the aggressor. You have made descents upon their coasts; you have burnt their towns, plundered their country, made war upon the inhabitants, confiscated their property, proscribed and imprisoned their persons. I do therefore affirm, that, instead of exacting unconditional submission from the colonies, we should grant them unconditional redress; we have injured, we have endeavoured to enslave and oppress them. Upon this clear ground, instead of chastisement, they are entitled to redress, a first step toward which will be a repeal of those laws of which they complain. The people of America consider parliament the authors of their miseries, their affections are

estranged from their sovereign; let then reparation come from the hands which inflicted the injuries: let conciliation succeed chastisement: and I maintain that Parliament will again recover its authority; that His Majesty will be once more enthroned in the hearts of his American subjects; and that your lordships, as contributing to so great, glorious, salutary, and benignant a work, will receive the prayers and benedictions of every part of the British empire."

In debating Lord Chatham's proposition, the accustomed ground was repeatedly traversed by both parties; the Lords who supported administration insisting, that the original aim of America was independence, which the adherents of Lord Chatham as strongly denied; and the assertion advanced by them, that Great Britain was the original aggressor, was no less vigorously combated. Several collateral topics of discussion protracted the debate, particularly a censure on a passage in a recent sermon of the Archbishop of York, which was animadverted on, and defended, with great heat.

Lord Gower observed, that the motion held out nothing new, and was a mere repetition of Lord Chatham's former sentiments. Similar propositions had been afterward made by two noble dukes, and unless the House had changed its opinions, for which he could see no reason, it must reject the present, as well as all the preceding motions. The idea respecting the conduct of France, taken in any of the various views in which his Lordship had placed it, was most extraordinary, or rather most extravagant. "If we conquer America," he says, "we shall conquer it for France: if France should join America against us, and get the better, America, though successful, will nevertheless be conquered and become a province or dependency of France: and though we neither conquer or are conquered, still America will be lost to England, and fall to our enemies and rivals." Such a motion, by exhibiting to foreign nations a picture of our pretended na-

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tional imbecility, and the desperate situation of our affairs, would invite them to avail themselves of our weakness, distress and divisions, when they should see the great council of the nation alarmed by views of impending ruin, arising from the unsuccessful, fatal hostilities of an unnatural civil war.

Lord Lyttleton was surprised at the timid despondent tone assumed by Lord Chatham, in relation to the conduct and ultimate views of foreign powers; he whose fire, spirit, and zeal for the honour and dignity of his country, had carried terror and conquest among surrounding nations; could such sentiments be reconciled to his former conduct? He who, when young, inspired himself and the nation at large with the most exalted and heroic ideas; called on the people to assert their honour, and do themselves justice, in defiance of the conspiracies of every power in Europe. And how was the state of America calculated to make Great Britain despair of conquest? Anarchy prevails; horrible acts of violence, treachery, cruelty, and injustice, are daily committed by the rebels on their loyal and dutiful brethren, merely because they will not join in the diabolical scheme of overthrowing all just and legal government; the laws trampled on, the course of justice interrupted or annihilated, government dissolved, magistrates imprisoned or banished, the faithful and obedient part of the people oppressed, despoiled of their property, suffering in dungeons, or obliged to fly their native land. To the horrors of war, the rebels had added the brutality of savages, and the treachery of cowards. These were the persons, and this was the cause, some of their lordships thought fit to espouse and defend. The opponents of administration were reminded of their predictions respecting the conduct of France; and their repeated assertions, that America had never thought of independence. Experience had verified the language of administration on both points. Lord Chatham had derided the absurdity of such ideas, as interference on the part of France, and the congress

declaring the united colonies independent states. Other noble lords, on the same side, denied the least probability of such an event, and pledged themselves, if it should ever happen, that they would be the first and most zealous in endeavouring to compel them to return to their duty. The event has actually taken place, and what is their conduct? Instead of recommending vigorous measures; instead of supporting strenuous and decisive exertions of our whole strength, we are told that France does not mean to interfere; but lest she should, it is now proposed to offer a treaty with declared and open rebels. Our rights are to be abandoned or conceded, lest France should go to war when our strength and resources are weakened and exhausted. This base and pusillanimous language is not worthy of attention.

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The motion was negatived.[m] Rejected.

The supplies and taxes did not pass the House of Commons without strenuous and animated debates; all the members of opposition attended, and the bargains and conduct of the minister were vehemently arraigned. The landgrave of Hesse, taking advantage of the necessities of Great Britain, had revived, with success, dormant and groundless claims for levy and hospital monies during the last war. The minister was reproached with improvidence and profusion in his contracts, particularly with having paid for putrid pork and damaged flour, a higher price than the same articles were worth in their best state; and with having been so egregiously duped in a contract for rum, as to pay more than double its value. Debates on taxes and supplies.

Lord North, while daily harassed by these objections, which even occasioned a desertion of some of his most constant supporters; when the nation was depressed and alarmed by intelligence of the disastrous events attending the close of the campaign; when he had not yet entirely recovered from a se- 9th April King's message respecting the arrears of the civil-list.

[m] 99 to 28.

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vere illness; was obliged to submit to the House a demand which he foresaw must introduce the most unpleasant discussions. The increasing load of debt on the civil-list, greatly augmented by numerous American refugees, had long embarrassed the court; but the circumstances of the times had prevented an application to Parliament. The poverty of the crown was now, however, become so disgraceful, that the minister could no longer decline presenting a message, informing the House that the arrears, to the fifth of January, amounted to upward of six hundred thousand pounds, and appealing to their loyalty and affection to discharge this debt, and at the same time make further provision for supporting the dignity of the crown.

Debates in the committee. 16th April.

This message was referred to a committee of supply, who were furnished with explanatory papers. A long debate occurred, on a motion by Lord John Cavendish, to discharge the order of reference. He objected to the accounts as defective, and to the expenditure as excessive. The accounts, he said, came unaccompanied by any voucher, or collateral or explanatory observation, that could give them an air of authenticity. The manner of fabricating them, and of stating the excess, helped to explain each other. The accounts merely announced the disbursements, without information to whom, or for what particular service; the excess was a necessary consequence of such a statement, and shewed that it arose, but not why it should be provided for. His lordship attempted to prove, by arithmetical estimates, that comparing sixteen years of the present with the same period of the late reign; or taking an average of the expenditure of both reigns, making every allowance for increase of family, and advanced price of necessaries, the fair expenditure of His Majesty ought to be less by some thousand pounds a year, than that of his predecessor. The honour and dignity of the crown formed a common pretext for such applications as the present; and would of course

pervade the ministerial language: but if the minister really consulted the honour and dignity of the crown, he would have applied to parliament earlier, or even annually, as the debt was incurred. The House might then have devised some mode of retrenching unnecessary expences; inquired into the expenditure of the revenue; and, on discovering abuses, would have rectified them, or totally removed the cause. Dangerous consequences must arise from an augmentation of the civil-list, and the consequent influence of the crown, already become much too powerful. CHAP. XXX. 1777.

Similar arguments and statements were advanced by other members of opposition, with such variations as marked the temper, character, or genius of each. Mr. Wilkes said, the nation cheerfully gave eight hundred thousand pounds for *the trappings of royalty;* the proposed augmentation was a violation of public faith; and it was cruel to fleece the people, when involved in a most expensive, as well as unnatural and ruinous civil war, and burthened with an enormous national debt. He reviewed the expences of all the kings, since the revolution, extolling their magnificence, compared with the want of splendour in the court of George III. He alluded to his own sufferings, by mentioning an article in the account of secret services, paid in 1763 to Samuel Martin, Esq. and said he was himself plundered in one year of a thousand pounds in two fines. He descanted with asperity on the literary pensions bestowed on two jacobite doctors, Shebbeare and Johnson; on Hume for attacking, and on Beattie for defending the Christian faith. Thus was the public treasure lavished. He spoke with acrimonious harshness of the disagreements in the royal family, contrasting the kindness of Louis XVI. to Monsieur and the Comte d'Artois, with the conduct of the King toward the Dukes of Gloucester and Cumberland: and, deriding the notion of consulting the dignity of the diadem and greatness of the sovereign, said, it reminded him of the observation of Philip IV. of Spain, when

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Louis XIV. was taking from the Emperor all the towns in the Netherlands, "*Sa grandeur est comme celle des fossés, à proportion des terres qu'on leur ôte.*"

Mr. Burke asserted that nothing but a confidence in the servility of the House, and a knowledge of their carelessness, could make the ministry desperate enough to assert that sufficient provision had not been made for the splendour of the crown. He objected to the argument drawn from the experience of the whole reign, that eight hundred thousand pounds was not sufficient for the civil-list expences; because, if admitted, the propriety of every person's practice would be judged by the practice itself; a man's extravagance would become the measure of his supply, and because he had actually dissipated a large revenue, he ought to be furnished with a larger revenue to dissipate. This would establish a principle of public profusion; would even make it the interest of ministers to be prodigal, since their extravagance, instead of lessening, would be the certain means of increasing their estate.

Mr. Fox decried the accounts as a mere detail of arbitrary sums, perhaps arbitrarily set down. Such an account, even if truly stated, was of no use, unless to add mockery to contempt, and blend insult with derision.

The members of opposition did not all agree in Lord John Cavendish's motion: Mr. Wilkes proposed, and the opinion was sanctioned by others, that the House should go into a committee, with instructions to consider of the causes of the debts due on account of the civil-list, and likewise what further provision might be necessary to support the splendour and dignity of the crown.

In proposing an aid to the crown, the minister declared himself aware that he should be less engaged in reasoning than in diminishing the force of arguments and assertions calculated to deprive him of popularity, which was to be proportionately gained by his opponents. He confessed the task disagreeable, taking it in

the most favourable light; and when he last came on a similar errand, he little thought it would have fallen to his lot again; for several of his predecessors, much his superiors in abilities, had continued but a very short time in administration: but at length, said his lordship, such is the stability of government, that an administration can even outlive eight years! During the last four years, he said, the expenditure had undergone a considerable decrease, to the amount of nearly a hundred thousand pounds per annum. In the last year it had increased, on account of numerous American refugees, driven from their country or property for their loyalty and attachment to the crown and parliament of Great Britain, and left destitute of resource, or even of sustenance: they had augmented the civil-list expenses he believed to the amount of twenty-seven thousand pounds. The influence of the crown was not enlarged since the King's accession, but government had been strengthened by the wisdom and rectitude of His Majesty's councils, and the esteem and confidence of his subjects. The obligations were mutual, and justly merited; and if such an influence really existed, it would not be employed in abridging the liberties of the subjects, or in acts of oppression; but in securing and augmenting the prosperity, virtues, and happiness of the people.

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Mr. Adam, in a speech of considerable ability, shewed the meanness, ignominy, and disgrace to which Charles II. had been obliged to descend, from all which he might have been rescued, if parliament would have relaxed their too rigid system of parsimony. The accounts were stated to be as perfect as could be furnished, and to afford every light necessary for judging of the subject: in former reigns, similar requests had been granted without a requisition of accounts.

The motion of Lord John Cavendish was rejected,[n] Supply granted.

[n] 281 to 114.

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and the committee resolved to grant the required sum for discharging arrears, and to add to the civil-list one hundred thousand pounds per annum.

18th April.

On bringing up the report of the committee, the debate was resumed with great animation; but no novelty in argument occurred, nor any remarkable circumstance, except that the House was thrown into a temporary confusion by the ribaldry of Alderman Sawbridge, who said, the deficiency might be accounted for, without having recourse to the increased price of the necessaries of life. The civil-list had been employed in corrupting both Houses; it had been spent in private as well as public pensions; in single bribes and temporary gratuities. The civil-list had been drained by as many different means as want suggested, or corruption was capable of devising or inventing. Although called to order, he refused to retract or qualify his expressions; but added, that some of the very debt which the minister applied to parliament to discharge, was squandered in hiring spies and informers, to ruin and distress innocent men; men in every light as loyal to the King, and as faithful to their country as their persecutors would persuade the world they themselves were. Mr. Burke interposed, and, by a happy mixture of argument and irony, brought the House to a degree of forbearance which induced them to hear these absurdities unmoved.°

21st April.

The House directed the amount of arrears to be paid out of the sinking fund, and a bill was passed comprising all these objects.

Debate and protest in the lords.

The King's message was discussed with no less warmth in the House of Lords. The Marquis of Rockingham recommended an amendment to the address; which, being rejected, was entered on the journals as a protest, and signed by fourteen peers.

7th May Speech of Sir Fletcher

On presenting the bill for assent, the Speaker of the House of Commons observed to the King, that in a time

° There was a division on the second resolution; the numbers 231 to 109.

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of public distress, full of difficulty and danger, their constituents labouring under burthens almost too heavy to be borne, his faithful Commons postponed all other business, and, with as much dispatch as the nature of their proceedings would admit, had not only granted a large present supply, but also a very great additional revenue; great beyond example; great beyond His Majesty's highest expense.[p] "But all this, Sire, they have done, in a well-grounded confidence, that you will apply wisely what they have granted liberally; and feeling, what every good subject must feel, with the greatest satisfaction, that under the direction of Your Majesty's wisdom, the affluence and grandeur of the sovereign will reflect dignity and honour on his people."

Norton, on presenting the bill to the King.

For this speech the Speaker received the thanks of the House of Commons, and was desired to print it.

He is thanked by the House.

In the course of the late debates, many allusions had been made to the affairs of the King's brothers, and an amendment was suggested by Sir James Lowther, by which part of the sum granted in augmentation of the civil-list would be applied to their use; this proposal was over-ruled as irregular, but, after the act was passed, he again brought it forward. The debate was not interesting, as the motion was opposed chiefly on the ground of its being indelicate to interfere in the transactions of the royal family, and it was disposed of by the previous question[q]; but in the course of debate, Mr. Rigby alluded with indignation to the observations of the Speaker, who, he said, had grossly misrepresented the situation of the country, in a place, and in a presence where nothing but truth should be heard. The sentiments attributed to the commons were totally foreign from their thoughts; and, he trusted, that before the House rose, it would be proved whether they coincided with the chair or

Debate on the subject. 18th April.

9th May.

[p] Several members, who took notes of this speech, wrote *wants* instead of *expense*.

[q] 152 to 45.

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with him, who utterly disclaimed the observations delivered by the Speaker in their name.

Sir Fletcher Norton appealed to the House; the speech and vote of thanks were read, and Mr. Fox moved, that "the Speaker did express, with just and proper energy, the zeal of the House for the support of the honour and dignity of the crown, in circumstances of great public charge." In introducing the motion, he observed, that if it were negatived, the Speaker could not retain the chair with reputation to himself, or be further serviceable in his station, after being publicly deserted, bullied and disgraced. Sir Fletcher Norton himself adopted this opinion; assuring the House that he meant to deliver nothing but their sentiments, in which he thought himself justified by the time, the occasion, and the various concurrent circumstances which combined to stamp his observations with peculiar propriety. Conceiving, therefore, that he discharged his duty, and that the House had subsequently sanctioned his conduct by their approbation, he could not, if the present motion was rejected, remain in a situation where he could be no longer serviceable.

The Speaker's conduct more decisively approved.

Although the Attorney-general supported Mr. Rigby's opinion, the prosecution of the question, in the direction it must necessarily take, was not desirable to the friends of administration; a considerable portion of discussion was employed on the supposed assertion, that the supply exceeded the King's *wants;* a phrase which the Speaker disclaimed. Mr. Rigby, in the course of debate, spoke in more moderate terms, claiming a right to utter his own sentiments freely; but denying any intention to make personal reflections on the chair. He attempted a compromise by means of an adjournment, but this he afterward withdrew: Mr. Fox's motion was carried, and followed by one from Serjeant Adair, renewing the thanks of the House to their chief officer.

28th April. Grant to the Museum.

Among the other transactions of the session, were a grant of three thousand pounds to the British Mu-

seum; and an act, which will ever redound to the credit of the solicitor-general, for restraining and subjecting to several judicious regulations, certain grants of annuities. CHAP. XXX. 1777. Annuity act. 6th June.

In presenting the bills to the King, at the close of the session, the Speaker again addressed His Majesty, stating the hope of the House, that speedy means would be found to stop the ravages of war, which would otherwise be attended with consequences ruinous to the prosperity, perhaps dangerous to the safety of the country. Close of the session.

The King expressed his approbation of the conduct of Parliament, and thanked them for the unquestionable proofs of their continued attachment to his person and government, their clear discernment of the true interests of the country, and steady perseverance in maintaining the rights of the legislature. He trusted in Divine Providence, that by a well-concerted and vigorous exertion of the great force put into his hands, the operations of the campaign would be blessed with such success, as might most effectually tend to the suppression of rebellion, and re-establishment of the constitutional obedience, which all the subjects of a free state owe to the authority of law. King's speech.

No effort to engage the attention of the public, or procure an indication of popular sentiment, on the subjects which engaged the attention of the legislature, merits particular attention: all eyes seemed fixed on the centre to which the great exertions of government were directed; with an anxiety proportioned to the magnitude of the contest; the nation surveyed the employment of those preparations which the ministry had demanded, and the Parliament had granted, with the cheerfulness of well-founded hope, and with a confidence of ultimate success. State of the public mind.

In sanguinely predicting the interference of foreign powers in the dispute, the members of opposition uttered suppositions well-founded in theory, and strongly supported by circumstances, though prema- State and views of foreign powers with respect to England.

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ture. France, toward which these suggestions most particularly pointed, gave sufficient indications of a wish to assist the revolted colonies, though her language was still pacific and confidential, and her conduct, so far as it could be referred to the test of public acts, unexceptionable.

Soon after the declaration of independency, congress had dispatched Silas Dean, and subsequently Dr. Franklin, to Paris, for the purpose of negotiating for the assistance of France: they were not received in a public character, but permitted to reside in the capital; and as it was the prevailing French fashion to patronize the American revolt, they were introduced to, and courted by people of the first rank. The Queen of France, at the head of an active and numerous party, anxiously awaited the moment for commencing hostilities; but her influence was not sufficient to remove the ministers, who, feeling the true interest of the country, were unwilling, by engaging in war, to preclude the advantages which might be derived from neutrality. Some members of administration did not adopt the same views, but through ambition of directing the operations of a war, or desire of giving effect to some untried projects of finance, countenanced as much as possible the rising spirit of partiality to America.

The King of Prussia, sacrificing every consideration of sound policy, and suppressing every emotion of gratitude, loudly declared himself the champion of America. He was ambitious to become the director of the French councils, and give energy to every hostile attempt against England. Those among the French ministry who entered into these views were anxious to strengthen the alliance with Prussia, and weaken the effect of the royal marriage into the House of Austria, as they foresaw the impossibility of engaging the cabinet of Vienna in projects hostile to England. The partiality for this connexion was daily growing weaker in both countries. The Queen of France was foiled

in her first attempt, that of replacing Choiseul in administration; a measure which would have led directly to a strong union against Prussia, and formidable to England, Holland and Russia. The connexion with Prussia was now therefore pursued with eagerness, and without fear, from the certainty, that during the life of the Empress Queen, at least, no hostility would be sought by Austria with France. Maria Theresa, weary of war, had an insurmountable repugnance to all measures which could tend to the infraction of peace; and her strong maternal feelings rendered her peculiarly averse to hostilities with the House of Bourbon, into which five of her children were intermarried. CHAP. XXX. 1777.

Thus, under an enforced necessity of maintaining pacific appearances, while the majority of the nation were eager for hostile measures, the conduct of France was replete with inconsistencies; many acts, both in that kingdom and the transatlantic colonies, afforded reasonable grounds of offence, while, on every complaint, the government evinced a serious desire to allay the jealousies, and conciliate the goodwill of Great Britain. The American privateers found a ready sale for their captures in the French ports, as well in Europe as in the West Indies. In France, some disguise and restraint were requisite, though no effectual impediment was inforced, but the people in the Islands permitted private sales, and fitted out privateers under American colours, and with American commissions, for the purpose of committing depredations on British property. An agent of congress, openly established at Martinique, not only facilitated these illicit proceedings, but laid the grounds for quarrels between the French and English merchants. The American privateers, increasing in audacity, infested the channel, insulted the coast of Great Britain and Ireland, and began to be received and saluted in the ports of France.[r]

[r] See Ramsay, vol. ii. p. 23. and all the histories.

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One of the effects of fashion in the consideration of the American contest, was the rage of adventuring with which it inspired many of the young nobility of France. Among the most conspicuous of these instances was that of the Marquis De la Fayette; he was nephew to M. De Noailles, the French ambassador in London; had for some time resided with his uncle, and having availed himself of a familiar intercourse with some of the servants of government, to acquire a knowledge of the intended plan of operations for the ensuing campaign, suddenly withdrew to France, purchased a yacht, and, on pretence of a voyage to Italy, sailed to America, and joined the army under General Washington.[s] But whatever might be the arguments or temptations which induced French officers to engage in these speculations, they must have been considerably mortified with their reception in the American army. They expected rank equivalent to that which they had held in the service of the French King, and congress inadvertently decreed that arrangement, but General Washington soon demonstrated, that it could not take effect without displacing and disgusting all native officers. The French adventurers did not know the language, and were impatient at the manners of their new associates; the Americans viewed them with jealousy and disaffection; many returned disappointed to their native land, and even La Fayette was in danger of experiencing the same fate.[t]

If these circumstances, separately considered, were calculated to give uneasiness to the British government, the public conduct of France was always conciliatory, often humble. The ministry explained frankly the cause of large armaments then making in their ports, and gave assurances

[s] History of Lord North's Administration, p. 277. La Fayette was not yet twenty when he commenced his career with this act of treachery.

[t] See Washington's Letters, vol. iii. p. 197. 216. and for other statements relative to the French officers, the same vol. p. 13. 26. 32. 53, 54. 57. 69, 70. 75. 84. and 89.

that they were only in pursuance of the family compact, for the assistance of Spain, who was involved in disputes with Portugal. The whole correspondence on this subject displays a disposition in France to avoid all occasions of offence, and somewhat of alarm lest Great Britain, by assisting Portugal, should render hostilities inevitable. CHAP. XXX. 1777.

On a forcible remonstrance from Lord Stormont, the British embassador, an order was issued, requiring all American vessels to quit the ports of France. This injunction, it is true, was frequently evaded[w], nor was it perhaps ever expected to be rigidly enforced; but the public disavowal of the American cause was a satisfactory concession, and tended to remove the fears of immediate aggression, though prudence forbad a too confident security. March.

In like manner, the conduct of La Fayette was in public disavowed, and the court affected great displeasure[x]; it was not necessary, nor indeed becoming, to investigate strictly the sincerity of these appearances; the punishment or disgrace of an individual could not be important in a national contest, and it might be easily comprehended, that personal considerations and family connections would preserve a man of his rank and fortune from open disgrace, even if the court really felt indignant at his proceedings.

On the whole, making every allowance for the intriguing disposition of France; for her jealousy of Great Britain, and her desire to humble so prosperous a rival, it might be conjectured that she would see her own interest in avoiding a war, which Great Britain would certainly not court. The government of France was far from settled; the disorders of the late reign required a long interval to repair their effects on the finances; the King's darling project of forming a respectable naval force

[w] Ramsay, vol. ii. p. 24. [x] Gibbon's Posthumous Works, vol. i. p. 515.

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would be delayed if not frustrated, and all his benevolent projects of economy would be superseded. Penetrating politicians thought Louis had, by the recal of the ancient parliaments, purchased popularity at too high a rate; and it required still less discernment to perceive that the suppression of the Mousquetaires diminished not only the splendor, but the real strength of the throne.

A cordial attachment to the interests and welfare of Great Britain could not be expected from France; but the most sagacious observers were of opinion, that she was sincere in her desire to avoid a general quarrel with Great Britain, although this disposition was attributed rather to a want of union and enterprize among the principal people, than to any well combined system of pacific politics.[y] It was also the judgment of a profound observer, who was at this period in Paris, in the centre of information, with the best means of acquiring, and the greatest facilities of communicating it, that there was no room for apprehending a war with France. "It is much more pleasant, as well as profitable," this elegant author observes, "to view in safety the raging of the tempest, occasionally to pick up some pieces of the wreck, and to improve their trade, their agriculture, and their finances, while the two countries are *lento collisa duello*. Far from taking any step to put a speedy end to this astonishing dispute, I should not be surprized if next summer they were to lend their cordial assistance to England, as to the weaker party."[z]

[y] This was the observation of Prince Kaunitz, the imperial prime minister, to Sir Robert Murray Keith, the British embassador at Vienna; the important correspondence from which it is taken has also furnished many other facts and observations in the above sketch of foreign affairs.

[z] Gibbon's Posthumous Works, vol. i. p. 526.

CHAPTER THE THIRTY-FIRST.

1776—1777.

Extensive powers granted to Washington. — American oath of allegiance. — Washington's proclamation. — State of his army. — Supplies from France. — Expeditions — to Peek's Kill — Danbury — and other places. — American expedition to Sagg's Harbour. — Movement of Washington. — Of the British army. — Howe makes a feigned retreat. — Action near Quibble Town. — Howe evacuates the Jerseys. — Capture of General Prescott. — The British army embarks for the Delaware. — Lands at the head of Elk. — Howe's proclamation. — Battle of Brandywine. — Surprise of General Wayne. — Capture of Philadelphia. — Strong defence of the Delaware. — Billingsport taken. — Action at German Town. — Attack on Red Bank. — Loss of the Augusta and Merlin. — The enemy's forts at length taken. — Washington encamps at White Marsh. — Huts his army at Valley Forge. — Sir William Howe fixes in winter quarters. — Campaign of the northern army. — Observations on the employment of savages. — Burgoyne arrives at Crown Point. — War feast. — Speech and proclamation. — Crown Point and Ticonderoga taken. — Pursuit of the enemy. — Delays and difficulties of Burgoyne's army. — Proclamation by Burgoyne and Schuyler. — Siege of Stanwix — raised. — Expedition to Bennington. — Defeat of Colonel Baum — and Breymann. — Gates commands the Americans. — Burgoyne advances to Saratoga. — Battle of Stillwater. — The Americans destroy the transports. — Increasing difficulties of Burgoyne. — His lines attacked — he falls back to Saratoga — and surrenders by convention. — Proceedings of Sir Henry Clinton. — Takes forts Clinton and Montgomery. — The Americans burn their fleet. — Burning of Esopus. — Examination of Sir Henry Clinton's conduct with respect to a co-operation with Burgoyne.

AMONG all the difficulties encountered by General Washington, none seems to have embarrassed him more than the restricted state of his au-

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Extensive powers granted to Washington.

20th Dec.

thority. Congress, vigilant and jealous, as well from the peculiarities of their situation, as from the habits of the members, were averse to grant such powers, as would enable their general to act with promptitude, vigour, and effect. Toward the close of 1776, when the affairs of the states were verging to their most dangerous crisis, he urgently demanded authority to act without their immediate instructions, as the only means of avoiding ruinous delays. In making this demand, he found it necessary to conciliate esteem, and soften prejudice, by vindicating his own personal character, and explaining his conduct and views. "I can with truth declare," he observed, "that I have no lust after power, but wish, with as much fervency as any man upon this wide extended continent, for an opportunity of turning the sword into a plough-share. But my feelings, as an officer and a man, have been such as to force me to say, that no person ever had a greater choice of difficulties to contend with than I have. It may be thought," he added, "that I go out of the line of my duty to advise thus freely: a character to lose: an estate to forfeit; the inestimable blessings of liberty at stake; and a life devoted; must be my excuse!" [a] Congress, at length, when they had removed to Baltimore, invested him with powers more ample than in his most sanguine moments he had presumed to wish. [b]

27th Dec.

[a] Washington's Letters, vol. i. p. 349. 351.

[b] This resolve is in these words: "That General Washington shall be, and he is hereby vested with full, ample, and complete powers, to raise and collect together in the most speedy and effectual manner, from any or all of these united states, sixteen battalions of infantry, in addition to those already voted by congress; to appoint officers for the said battalions of infantry; to raise, officer, and equip 3,000 light horse, three regiments of artillery, and a corps of engineers, and to establish their pay; to apply to any of the states for such aid of the militia as he shall judge necessary; to form such magazines of provisions, and in such places as he shall think proper; to displace and appoint all officers under the rank of brigadier-general; to fill up all vacancies in every other department in the American armies; to take, wherever he may be, whatever he may want for the use of the army, if the inhabitants will not sell it, allowing a reasonable price for the same; to arrest and confine persons who refuse to take the continental currency, or are otherwise disaffected to the American cause; and return to the states of which they are citizens, their names,

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As soon as success gave to General Washington the slightest hope of re-establishing the almost ruined cause of independence, he remonstrated with congress on the inattention by which they had lost a considerable cement to their own force, and afforded to the British commissioners an opportunity of tendering the first oath of allegiance on behalf of the King. Many conscientious people were lost to the interest of congress, for want of this necessary tie. They did not consider the association equally obligatory; but would have submitted to any penalty rather than take the oath of allegiance to the King, had they been previously bound in the same manner to congress. He therefore strongly recommended that every state should establish some oath or affirmation of allegiance, to be tendered to all the inhabitants, and that those who refused it should be outlawed.

He recommends an oath of allegiance. 5th Feb. 1777.

In conformity to these principles, he issued a proclamation, commanding and requiring those who, intimidated by threats, or deluded by promises, had signed a declaration of fidelity, taken oaths of fealty and engaged not to bear arms against the King, to deliver up their certificates at head-quarters, or at the quarters of the nearest general, and take an oath of allegiance to the United States of America.[d] Licence was, however, given to such as preferred the interest and protection of Great Britain, to withdraw with their families within the British lines.[e] The effects of this proclamation were instantaneous and extensive: the inhabitants of the Jerseys renounced the royal cause; several in revenge, joined the American army,

His proclamation.

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and the nature of their offences, together with the witnesses to prove them: that the foregoing powers be vested in General Washington for and during the term of six months from the date hereof, unless sooner determined by congress."

[c] Washington's Letters, vol. ii. p. 25.

[d] An oath had already been prescribed, 21st October 1776, for all persons holding commissions or offices under congress, by which they renounced allegiance to the King, and swore fealty to the United States. See Annual Register, 1777, p. 297.

[e] Ibid.

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while others rendered equal service, by supplying provisions and fuel, and conveying intelligence.

State of his army.

Notwithstanding all these advantages, the American levies proceeded with discouraging tardiness; but General Washington achieved as much as art and activity could effect, for the security and accommodation of a small force. He did not desert his tried maxim, of preferring the spade and pick-axe to military weapons; and, in the course of the winter, extended his position from Morristown to Woodbridge, distant only three miles from the British quarters at Amboy, adding to the strength and comforts of his situation by erecting forts, mills, and magazines, and harassing and insulting the British, by skirmishing with their out-posts, and cutting off their supplies; all which was effected by a feeble and sickly army, not exceeding four thousand. [f]

Corps of loyal provincials raised.

The negligence of Sir William Howe,[g] who, while he commanded so fine and numerous a force, quietly submitted to these indignities, has subjected him to animadversions and imputations which he vainly endeavoured to repel. But if his inaction was disgraceful, the period was not wholly unprofitable; as during that time Mr. Tryon, Governor of New York, was assiduously and advantageously employed in raising corps of loyal provincials, among whom he received the rank of major general. These troops were not, it is true, experienced or well disciplined; but they were, even in these respects, on a level with those raised for General Washington, and the levies had the additional effect of creating alarm, and obliging congress to have recourse to vigorous measures. The dread felt by that body, and the orders they issued

[f] Washington's Letters, vol. ii. p. 31. dated 20th Feb. 1777.

[g] The knighthood of the Bath was conferred on this general the 13th of October 1776: two other ribbands of the same order were meritoriously bestowed on General (Sir Guy) Carleton, 6th July 1776, and General (Sir Henry) Clinton, 20th April 1777.

respecting the royalists in Somerset, Worcester, Maryland, New England, and New York, form, in fact, a severe censure on the conduct of General Howe; for had he effected any capital stroke, or even harassed and alarmed the enemy by repeated assaults, while they were deficient in ammunition and recruits, the danger and inconvenience of the service would, in all probability, have prevented the accession of numbers, and caused a general defection of the American army; while the people in the provinces would have exerted themselves in giving preponderance to the British cause, as the means of restoring tranquillity, which they, above all things, desired. Early in the spring, the hopes of the Americans were re-animated by the receipt of more than twenty-thousand stand of arms, and a thousand barrels of gun-powder, from France.

The Americans supplied with arms from France.

The manor of Courland, the most mountainous and inaccessible part of the tract occupied by General Washington, was converted into a kind of citadel, where large quantities of provisions, forage, and stores were deposited; and about fifty miles from New York, up the North river, Peek's Kill served as a port to Courland manor, by which stores and provisions were received and conveyed to the army, or to the interior. A detachment of five hundred men, under Colonel Bird, embarked in two transports at New York, to take possession of this place. On their approach, the Americans, upwards of seven hundred, retreated with precipitation, burning the barracks and storehouses. This loss was incurred by neglecting General Washington's injunction, not to accumulate stores in positions near to, or easily accessible from, the water.

23d Mar. Expeditions of the English.

To Peek's Kill.

Another expedition from New York, consisting of two thousand men, under the command of General Tryon, assisted by General Agnew, and Sir William Erskine, was dispatched to seize or destroy stores collected at Danbury. They landed two hours be-

25th Apr. Danbury.

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fore midnight, and reached their place of destination at day-break. The enemy, taken unawares, and unprepared for resistance, evacuated the town

26th April. without opposition, and the British set fire to the stores, the conflagration of which was not com-

27th. pleted till the ensuing morning.[h] During this interval, the Americans had collected a force from various quarters, and, under the command of General Arnold, intrenched themselves at the town of Ridgefield, to oppose the British force in their retreat. Though this resistance was unexpected, the intrenchments were carried with great spirit; Arnold's horse was shot under him, and, while extricating himself, he was attacked with fixed bayonet by a soldier, whom he dispatched with a pistol. The English troops formed in an oblong square, and rested on their arms.

28th. The enemy, considerably reinforced during the night, assailed them in the morning in every direction, from houses and walls, and took possession of a stone bridge, and the ground commanding a pass beyond it, where, with the advantage of some field artillery, they presented a formidable front. The English were, however, enabled to avoid this pass, by fording the river three miles further up, but skirmishes were continued till they arrived within half a mile of the shipping. The detachment was now almost exhausted with fatigue; three days and nights had passed without repose, and several, unable to prosecute their march, had dropped on the road, when the Americans were seen in two distinct bodies, posted to oppose their re-embarkation. General Erskine, at the head of four hundred men, selected from this enfeebled troop, attacked and put to flight, with considerable slaughter,

[h] The effects destroyed were 1,600 barrels of pork and beef, 600 barrels of flour, upwards of 2,000 barrels of wheat, rye, and Indian corn, a very considerable quantity of military cloathing, and 2,000 tents; a loss which, from their scarcity, was severely felt by the Americans. In their return, the troops destroyed about seventy barrels of flour, and 112 hogsheads of rum.

the opposing columns, whose panic prevented them from rallying and using their means of annoyance during the remaining march and embarkation.

This expedition resembles, in many particulars, the affair of Lexington: the success with which it was attended, did not compensate for two hundred men and ten officers, killed and wounded. The loss of the enemy was much more considerable; and General Wooster, a veteran, who, at the age of seventy, exerted himself with a degree of spirit and alacrity more consistent with the meridian of youth, was numbered among the slain.

And other places.

Several other slight enterprizes took place, attended with different degrees of success, but of so little importance, in a general view, that it is only necessary to mention the names without entering into particulars, respecting Bondwick, Woodbridge, and Piscataway.

12th and 19th April, and 8th May.

24th May. American expedition to Sagg's harbour.

The Americans were in some measure revenged for their losses at Peek's Kill and Danbury, by the prosperous issue of an expedition to Sagg's harbour in Long Island, conducted by Colonel Meigs, at the head of a hundred and seventy men, who, notwithstanding a considerable resistance, burned twelve brigs and sloops, destroyed a large quantity of forage and other necessaries, killed six men, and with ninety prisoners returned without loss. The celerity of this expedition was remarkable; for, beside the labour accomplished, the party traversed a space of ninety miles by land and water, and returned within twenty-five hours.

Difficulty of recruiting their army.

Although, congress had, in compliance with the suggestion of General Washington, voted a permanent army, they did not find the expected facility in raising troops. Those employed in recruiting, through vanity or ignorance, made false reports of their success; the new levies could not, by the most urgent remonstrances, be prevailed on to quit, in the inclement season of winter, their domestic comforts,

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for the sake of performing an uncertain service in the camp. The luxuries enjoyed in the British lines, joined to the temptations of a large bounty offered by the general, occasioned many desertions, and inspired fears of more. General Washington, though animated with hopes of ultimate success, thought it necessary to caution the congress, a body to whom such an injunction would appear entirely superfluous, to conceal the numbers of their army from the public: "Nothing but a good face," he said, "and false appearances, have enabled us hitherto to deceive the enemy respecting our strength."[i]

The American general founded his flattering expectations on the increasing attachment of the troops; their progress in military discipline; the favour resulting to the cause from a protracted struggle, in which not to be defeated was to conquer; the hopes of effectual assistance from France; and the certainty that congress, considering the army their sole resource, would no longer be restrained by a mean and rigid policy, from affording encouragement, and imparting all requisite powers. Congress had now learned to excite emulation, and recompense service by rewards and honorary notices. Funeral obsequies, and posthumous memorials, were decreed to Warren, Mercer, and Wooster: the exertions of General Arnold at Danbury procured him some promotion, and the public donation of a caparisoned charger; and the exploit of Colonel Meigs was acknowledged by the gift of an elegant sword.

9th June. Movement of Washington.

The advance of spring enabled congress to augment General Washington's army to seven thousand two hundred and seventy-two men; a small number compared to the British force, but sufficiently cheering to the enterprizing supporter of American independence, who, with less than half that number, had baffled and checked the very army which now opposed him, and raised the fortunes of his country from their

[i] This letter is dated 21st May 1777. See Washington's Letters, vol. ii. p. 77. And for the other facts in the above paragraph, the same vol. p. 46. 55. 67. 87.

lowest ebb. He removed from his encampment at Morristown to Middlebrook, extending his camp along several hills, which he strongly fortified with intrenchments and artillery. He had the additional advantages of perceiving, from his position, every movement of the British on the Brunswick Hills, of drawing supplies from a plentiful country in his rear, and of effecting, if necessary, a secure retreat over Hudson river or the Delaware.

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Sir William Howe, who had hitherto neglected the obvious policy of attempting some enterprize against the foe, under pretence that "the green forage was not on the ground,"[k] at length led forth his troops as far as Somerset court-house, but without a decided plan of operation. He might, if his opponent's position was deemed unassailable, have seized one of the communications from which the American drew his supplies, and afterward risked a further attempt, or retired: but he made no effectual exertion, his troops carried with them victuals for only a few days, and speedily returned to Brunswick, burning several dwelling-houses in their retreat, and continually harassed and insulted by the American light troops.

12th June. Motion of the British army.

19th June.

Deeming it impossible to force General Washington's strong position, and failing in every attempt to provoke him to quit it, General Howe endeavoured to lure him by a stratagem equally well conceived and executed, though unsuccessful in its result. He first relinquished Brunswick, and returned to Amboy, a manœuvre which deceived the Americans, and induced them to dispatch large bodies under the command of Generals Maxwell and Conway, and Lord Stirling, to pursue him in his supposed retreat. The English general furthered the deception, by throwing a bridge across the channel to Staten Island, over which he passed his heavy cannon, and a small num-

Howe makes a feigned retreat.

22d June.

[k] Galloway's Letters to a Nobleman, p. 60.

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ber of men. The pursuit was followed with great eagerness; and General Washington, deluded by appearances, removed to Quibble Town, to co-operate with his other detachments. The British commander, considering this the moment of success, marched back his army by different routes, hoping to bring Washington to an engagement, to cut off his advanced parties, or, at least, to secure some passes in the mountains. For the last purpose, Lord Cornwallis was dispatched with a considerable body; he fell in with a detachment of three thousand men, under General Maxwell and Lord Stirling, strongly situated, and well provided with artillery, put them to the route, and pursued them to Westfield; but General Washington frustrated his scheme, by regaining his station on the hills, and securing the passes.

Action near Quibble Town.

26th.

On this disappointment, Sir William Howe returned to Amboy, and crossing over with his whole force to Staten Island evacuated the Jerseys.

23d. Howe evacuates the Jerseys.

During the suspension of hostilities, which ensued from this event, a gallant and well-concerted enterprize procured the Americans the means of exchanging, for General Lee, an officer of equal rank. The head quarters of General Prescott, Governor of Rhode Island, were on the West, near Narranganset Bay, a quarter of a mile from the sea, where he lay in culpable negligence, a mile distant from any body of troops, without patroles on the shore, and depending only on a guard-ship in the bay for security. Lieutenant Colonel Barton, apprized of these circumstances, set out from Providence, with some officers and men, in two boats, proceeded across the bay unperceived, landed about midnight, surprized the centinel, seized the general in bed, and, without giving him time to put on his clothes, hurried him and his aid-de-camp on board, and effected his retreat unmolested, and, till out of reach, undiscovered.

Capture of General Prescott.

10th July.

All the operations of General Howe had not hitherto tended to remove or qualify the disadvantageous impressions occasioned by his tardy commence-

The British army embarks for the Delaware.

ment of the campaign; nor did his next exertion appear calculated to retrieve the disgrace sustained by the British arms in the evacuation of a province once entirely subjected to their force. This retreat exhibited the preposterous sight of an unwieldy mass, moving with heavy solemnity, and submitting to injuries and indignities from a smaller force, rather than use the exertions requisite to annihilate that force, or counteract the effects of its promptitude and activity.

5th July. Contrary to the judgment of almost the whole army, the British troops, consisting of thirty-six battalions, and a regiment of light horse, were, in the hottest period of the year, embarked in transports, and remained thus pent up five-and-twenty days before they reached the Capes of Delaware.

30th. The scheme of operation, which reason strongly pointed out, and which General Washington himself most apprehended, was a junction with General Burgoyne in the North[1], this was not however intended: seventeen battalions, the new provincial corps, and a regiment of light horse, under the command of General Clinton, were left at New York, and several battalions, stationed at Rhode Island. General Howe originally intended to proceed up the Delaware; but receiving information that the navigation was impeded by the precautions of the enemy, he sailed to Chesapeak Bay. The periodical prevalence of southerly winds rendered this transit no less difficult than subject to delays: nor did the fleet, till after a tedious passage, enter the Chesapeak, and gain the head of Elk, where the troops were disembarked, and head quarters fixed at a village in the neighbourhood.

24th Aug. Landed at the head of Elk.

28th.

29th. Howe's declaration. On landing, General Howe published a declaration, designed to remove the ill impressions made by reports of the conduct of his troops in the Jerseys, promising protection to all who should return to their homes; the observance of rigid discipline; and the severest punishments on those who plundered or molested His Majesty's well disposed subjects.

[1] See Washington's Letters, vol. ii. p. 125. et passim.

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As the intention of the British general to turn his arms against Philadelphia was no longer doubtful, General Washington, whose force was augmented to fourteen thousand, used every effort, and resolved even to hazard an engagement in protection of the centre of the American empire. From the head of Elk, Sir William Howe proceeded to Iron-hill, dispersing the advanced guards of the enemy, and being joined by Generals Grant and Knyphausen, the united force moved forward in two columns.

3d Sept.

11th. Battle of Brandywine.

The Americans retired before the British force, till they gained a strong position under the cover of woods, with intervals of open ground on the opposite side of the Brandywine, a creek which runs into the Delaware at Wilmington, and which the British army must pass in their route to Philadelphia. At Chad's Ford, where the passage was likely to be attempted, batteries were erected and intrenchments formed. To this place General Knyphausen advanced with the second division, forced a detached body of the enemy, who had crossed the river, to repass it under cover of their batteries, and commenced a brisk cannonade. This manœuvre was only a feint, to withdraw the attention of the Americans from a more effective operation; Lord Cornwallis, with one column of the army, by a circuitous route, crossed the forks of the Brandywine, and took the road to Delworth, leading on the right of the enemy. As soon as the success of his lordship's attempt became obvious, from the cannonade in that quarter, and the evident confusion in the provincial troops, General Knyphausen, with his division, gallantly passed the ford, and carried the batteries.

General Sullivan, with ten thousand men, dispatched by General Washington to oppose Lord Cornwallis, took possession of the heights above Birmingham church; his left reaching toward the Brandywine; his artillery judiciously posted, and his flanks covered by woods. At four o'clock, the British army began the attack, and with resistless impetuosity drove the enemy

to their forests for refuge: here they were reinforced, and assumed a new post, but were again, after a desperate resistance, compelled to yield to the efforts of British valour. The route was complete; the American army fled with precipitation, and in various directions, while the commander-in-chief, at the head of the corps he was enabled to keep together, escaped with his cannon and baggage to Chester, and passing by Derby to Philadelphia, for the purpose of recruiting his magazines and stores, crossed the Schuylkill, and proceeded to the Lancaster road. The loss of the provincials amounted to three hundred killed, six hundred wounded, and near four hundred prisoners: that of the British was a hundred slain, and four hundred wounded. In the evening a party of British sent to Wilmington, took Mr. Mackenlie, Governor of the Delaware state, out of his bed, and seized a shallop lying in the creek, loaded with the rich effects of the inhabitants, together with the records of the county, a large quantity of public and private money, and all the papers and certificates belonging to the loan and treasury offices.

The complete success of this day was owing principally to the judicious manœuvre of Sir William Howe, who kept the enemy in a state of such uncertainty, with respect to his ultimate intentions, that no consistent plan of opposition could be formed.[m] Lord Cornwallis also executed his orders with promptitude and happy effect, so that no adequate disposition could be made for resisting his progress, and the troops he first encountered were defeated before they could be reinforced. In this battle, the foreign volunteers were conspicuously engaged; la Fayette made his first military exertion in the American cause, and was wounded in the leg.[n]

[m] See Washington's Letters, vol. ii. p. 167.

[n] Idem, p. 168. Sir William Howe has been reproached, perhaps somewhat captiously, with having neglected to make the utmost possible advantage of the results of this day. Washington himself does not appear to have been of this opinion, and those writers, who censure the British General with the greatest asperity, allow,

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Efforts of the Americans to defend Philadelphia.

The works for defence in Philadelphia were carried on with unremitting diligence, and, as a further protection, General Washington directed the meadows on Providence Island to be overflowed.[o] Sir William Howe advanced with caution, endeavouring, by frequent manœuvres, to distract the attention of the enemy, who constantly hovered before him, as if resolved to risk another engagement to

18th Sept.

save the city. Near Warren Tavern, on the Lancaster road, both parties drew up in order of battle; but a violent storm of rain, which lasted a whole day and night, prevented the encounter, and the Americans, finding their ammunition spoilt by the weather, withdrew to a place of safety. Sir William Howe, thus disappointed, marched toward the Swedes ford; the Americans again made a delusive shew of opposition, which he disregarding, moved toward Reading. General Washington, alarmed for the stores, took a new position, and left the British General in undisturbed possession of the roads leading to Philadelphia.

20th Sept. Surprize of General Wayne.

When General Howe was preparing to proceed for this city, he received information that a party of fifteen hundred men under General Wayne was concealed in the woods, for the purpose of harassing his rear; and dispatched Major-General Grey to surprise them, which he effected in a most officer-like manner. To prevent untimely alarm, and confine his men to the use of the bayonet, the flints were taken from their pieces: the out-posts were carried without noise, three hundred were killed, and a hundred captured: the remainder escaping with the loss of all their baggage.

Capture of Philadelphia.

The receipt of information by General Howe, at a time when General Washington could not obtain the

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that although his troops were in general in good health and spirits, the horses were in a most miserable condition: but even the men, so long confined in transports in a hot season, could not immediately undertake such great exertions, as a rapid pursuit of the discomfited enemy would have required. See Galloway's Letters to a Nobleman, on the conduct of the war, p. 74; copied by Stedman, vol. i. p. 293. See Washington's Letters, on the day ensuing the engagement.

[o] Washington's Letters, vol. ii. p. 168.

least intelligence of the movements of the English, proves decisively the unpopularity of the American cause, even in the immediate seat of their government. General Howe, passing the Schuylkill with his whole army, proceeded to German Town, and, on the ensuing day, Lord Cornwallis took undisputed possession of Philadelphia. Congress, who had resumed their sittings in the city, were again obliged to fly, first to Lancaster, and afterward to York Town.

CHAP. XXXI. 1777. 23d Sept. 26th. 27th.

The non-resistance of the Americans on this occasion, must be imputed to their total want of information, with respect to the movements of General Howe; to the sagacity of his manœuvres, which enabled him to gain so much ground in advance of the enemy, that it was in vain for General Washington to attempt overtaking his rear; to the judicious employment of his time since the battle of Brandywine, which kept the Americans harassed with perpetual marching: and to the inability of that army to attempt any energetic enterprise, from their miserable condition, which extended even to a want of shoes, upward of a thousand having performed several days duty entirely barefoot.[p]

Although the capture of Philadelphia was objected to as a measure more suited to the close, than the commencement of a campaign, as the defence of it would require an army[q]; yet the possession of that city and of German Town was of great importance, as it facilitated a communication between the northern and southern provinces, and if the Delaware were opened, between the army and navy.

By the advice of Dr. Franklin, the Americans had used extraordinary means to render the Delaware unnavigable, and the possession of Philadelphia of no advantage. Thirteen gallies, two floating batteries, two zebeques, one brig, one ship, beside a number of armed boats, fire-ships, and rafts, were constructed or employ-

Strong defence of the Delaware.

[p] See Washington's Letters, vol. ii. p. 173.

[q] This fact justified Franklin's observation, that Sir William Howe had not taken Philadelphia; but Philadelphia had taken Sir William Howe. Ramsay, vol. ii. p. 14.

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ed for this purpose. The Americans had also built a fort, called Mifflin, and raised a considerable battery on Mud Island, which is admirably situated for the erection of works to annoy shipping in ascending the Delaware. It lies near the middle of the river, about seven miles below Philadelphia; no vessel of burthen can come up but by the main ship channel, which passes close to Mud Island, and is very narrow for more than a mile below. Opposite Fort Mifflin is a height called Red Bank, overlooking the river and the neighbouring country, on which a respectable battery was erected. Between these two fortresses, which are half a mile asunder, the American naval armament made their harbour of retreat. Two ranges of chevaux de frise were also sunk in the channel, consisting of large pieces of timber, strongly framed together, in the manner usual for the foundation of wharfs in deep water. Several large points of barbed iron, projecting down the river, were annexed to the upper parts of these chevaux de frise, and the whole was sunk with stones, so as to be about four feet under water at low tide. Their prodigious weight and strength could not fail to effect the destruction of any vessel which came upon them. Thirty of these machines were sunk three hundred yards below Fort Mifflin, stretching in a diagonal line across the channel. The only open passage between two piers, lying close to the fort, was secured by a strong boom, and could not be approached but in a direct line to the battery. Another fortification was erected on a high bank on the Jersey shore, called Billingsport, and opposite to this, another range of chevaux de frise was deposited, leaving only a narrow and shallow channel on the one side. There was also a temporary battery of two heavy cannon at the mouth of Mantua Creek, about the midway from Red Bank to Billingsport.

1st Oct. Billingsport taken.

A detachment under Colonel Stirling crossed the Delaware, and taking possession of Billingsport without opposition, enabled Captain Hammond of the Roe-

buck, partially to remove the lower line of chevaux de frise: but the two upper lines still remained with the forts which defended them, in possession of the Americans. Such was the position of affairs, when Lord Howe, after a boisterous passage, arrived with his fleet, from the Elk river, and anchored on the western shore, from the town of Newcastle down to Reedy Island.

Action at German Town.

At this period, General Washington having gained intelligence, through two intercepted letters, of the expedition against Billingsport, and received reinforcements of fifteen hundred men from the forts in the islands by way of Peek's Kill, and one thousand from Virginia, decamped at seven in the evening from Skippack Creek, distant about seventeen miles, and at dawn of day attacked the fortieth regiment, posted at the head of German Town, and obliged them to retreat. The commanding officer, Lieutenant-colonel Musgrave, placed five companies in a large stone house in the village fronting the enemy, thus arresting their career, while the British troops got under arms. General Washington surrounded this house with a brigade, and four pieces of cannon, but Colonel Musgrave refused to surrender, and from the windows did considerable execution till assistance arrived. The Americans were soon defeated, and commenced a retreat: which, by favour of a thick fog, they effected with all their artillery: their loss amounted to fourteen hundred killed, wounded and prisoners; that of the British to six hundred, including General Agnew and Colonel Bird. General Washington was guilty of an egregious error in delaying his progress to besiege the stone house; if he had left a corps to observe it, and proceeded with his main force, the total defeat of the English army was extremely probable.

3d Oct.

4th.

Attack on Red Bank.

The grand object of freeing the navigation of the Delaware was eagerly pursued by the English, and no less vigorously opposed by the enemy. General Washington, despairing of another effectual attack

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on the British force, detached large reinforcements to the garrisons, and encouraged exertion by liberal promises of reward. Since the capture of Billingsport the Americans had negligently been permitted to fortify Red Bank, which was now attacked by a detachment under Count Donop, a brave and high spirited German officer. He advanced to the assault through a tremendous fire, not only from the works, but from the gallies and floating batteries on the river; drove the enemy from an extensive outwork, and compelled them to take shelter in the redoubt, which for want of scaling ladders could not be forced; and it was owing to this unpardonable neglect, that this resolute band had the mortification of seeing the fruits of their gallantry elude their grasp. The brave Donop, extended on the earth, his thigh fractured by a musket shot, could not accompany his troops in their retreat, which was no less perilous than their onset: he fell into the hands of the enemy, and expired in a few days.

22d Oct.

Loss of the Augusta and Merlin.

The loss of land forces in killed and wounded was about four hundred; but this was not the whole amount of the disaster. Several sloops of war were ordered to move up the river to assist in the attack; two of them, the Augusta and Merlin, ran aground; on the following morning, during an attack from the enemy, the Augusta took fire, and blew up with a few of the crew; and all efforts to float the Merlin failing, she was abandoned and burnt.

23d.

The enemy's forts at length taken.

Preparations for reducing Mud Island proceeded slowly, on account of the natural impediments; and when they were finished, some days elapsed before the fleet could co-operate in the attack. At length, a vigorous cannonade, in every direction, compelled the enemy to retire; the redoubt at Red Bank was abandoned on the approach of Lord Cornwallis; the greater part of the American vessels were burnt; the chevaux de frise were with difficulty weighed, and the Delaware at last opened.

15th to 17th Nov.

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General Washington being reinforced by four thousand men from the northern army, encamped at White Marsh, an advantageous station, about fourteen miles from Philadelphia. General Howe, in hopes of bringing him to an engagement, quitted Philadelphia, and hovered for several days about the American camp, forcing their out-posts, and endeavouring by every manœuvre to urge them to action, but finding all his efforts unavailing, he returned to the city, and General Washington, unwilling to relinquish his strong position, suffered the rear of the English to retire unmolested.

Washington encamps at White Marsh. 4th to 9th Dec.

At the close of the year, the American commander removed from White Marsh to Valley Forge, where he took up his winter quarters. He preferred this situation to a more comfortable and convenient residence in Lancaster, York, or Carlisle, because it afforded him better means of repressing the disposition of the country, to desert the cause of congress, and narrowed the influence of the British commanders to the very spot of their residence. His troops were in a state of such deplorable misery, that their march from one place of encampment to the other might be traced by the blood which their bare feet left on the snow, and hundreds were without blankets. It affords a strong proof of General Washington's influence over these men, that he not only induced them to brave with him the inclemency of a whole winter, but to undertake the difficult and unusual task of building huts for their residence, as a substitute for tents: nor is it less honourable to the character of this chieftain, that once only, on an urgent necessity, he ventured to supply the wants of his troops by a compulsory requisition: he took this step with regret, and testified, without delay, his repugnance ever again to practise this expedient.[r]

Huts his army at Valley Forge.

[r] See Washington's Letters, vol. ii. p. 222.

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1777. Sir William Howe retires into winter quarters.

On the part of the British commander the transactions of the campaign might be considered glorious. He began late, and is accused of not extracting the utmost advantage from his successes; but he gained two brilliant victories in the field, drove the enemy before him, took the city which was the seat of government, and repeatedly braved the American army to a new conflict; yet the British cause was not advanced; the rival army maintained a position within eighteen miles of the city, and all General Howe's advantages were reduced to the acquisition of comfortable winter quarters in Philadelphia.

Campaign of the Canadian army.

General Burgoyne conducted the campaign in the North: his appointment was inauspicious, as it occasioned a meritorious and esteemed officer, Sir Guy Carleton, to resign his government in disgust. From this expedition, and the prosperous situation of affairs, at the end of the last season, the highest expectations were formed; a body of seven thousand one hundred and seventy-three veteran troops, exclusive of a corps of artillery, abundantly supplied, and led by select and experienced officers, was sent from England; and vast quantities of military stores were furnished for the use of Canadians who should enter the British service.

Observations on the employment of savages.

Several nations of savages, on the back settlements and borders of the Western lakes, joined this army, a transaction which was severely censured in print, and in the British senate. In the declaration of independence, the American congress made similar complaints, but without sufficient reason. The employment of subsidiary forces in any war, foreign or civil, is a practice in which all nations concur, and against which, in general, no arguments are advanced, except such as arise from prejudice and party heat. The Indians had been engaged in former wars by the Americans, the French, and the English without exception or reproach. But in the present case, it was

said that the Americans being our brethren, and the Indians untutored and remoseless savages, they ought not to have been retained as the allies of Britain. From reiterated wrongs, from cruelties and injuries, which degrade those who practise them far more than merely following the impulses of uncultivated nature, these savages were become the inveterate and implacable foes of the American colonists. The earliest accounts from the American settlers are replete with narratives of wars between them and the natives, with accounts of efforts to cajole them into subjection, and of massacres which ensued from their endeavours to maintain undisturbed possession of their own territories. The force and purse of Great Britain had often been exerted in defending the colonists against these savages; and the Americans, with wicked policy, called in, for their subjugation, an ally more effective and dreadful than the musket or the sword — the small pox; with which contagion they contrived periodically to infect these ignorant people.[s] A state of hostility was therefore natural between the Americans and the savages, and no more was necessary than for Great Britain to withdraw her forces from protecting the colonies, to incline them to take up arms. Their ferocity in victory was more than counterbalanced by their unskilfulness in conflict; and perhaps was grossly exaggerated, in order to furnish popular topics of declamation, and give foundation for the accusation urged against the King in the declaration of congress.

In this mode of considering the subject, perhaps the use of such auxiliaries might be justified in the abstract; but, in fact, the Americans had no right to complain, for they first associated the savages with them in attacking the English. None of these people were engaged in the King's service, till the action at the Cedars, in 1776; whereas in the campaign of the preceding year, a body of Indians was brought down

[s] Tucker's Tract, v. Dedication, p. vi.

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against His Majesty's troops in New England and the northern provinces. The committee of Carolina, early in the same year, sent a deputation to the Cherokees, not merely to engage them to take up arms, but also to invite the assassination of an offensive individual. Early in 1776, an attack was also made on the Isle of Tybee by Indians, and Americans disguised like them, who with their habit adopted their manners, and scalped several mariners and a ship's carpenter.[t] In fact, it appears from incontrovertible evidence, that from the first moment of resolving on hostilities, the Americans were anxious to employ the Indians on their side; that they maintained an active intercourse with them, by means of missionaries, and when they found at last, that the English, having more resources, and a greater facility in making presents, could more effectually attach the Indians to their cause, they reluctantly gave up the attempt, and contented themselves with requiring only their friendship and neutrality.[u]

Burgoyne's preparations.

As it was General Burgoyne's interest to keep his regular troops as much as possible together, the inhabitants of Canada were obliged to furnish men sufficient to occupy the woods on the frontiers, prevent desertion, procure intelligence, and intercept all communication between the enemy and the malecontents in the province. They were also required to provide men for the completion of the fortifications at Sorel, St. John's, and Isle aux Noix, and horses for the carriage of provisions, artillery, and stores, and were employed in repairing the roads which were destroyed by these preparations.

16th June. He arrives at Crown Point.

Having completed these arrangements, General Burgoyne departed from St. John's, preceded by a naval force, under Commodore Lutwych, which the

[t] Answer to the declaration of the American congress, p. 108.

[u] Washington's Letters, vol. ii. p. 48. 274. See also a very candid account of all the transactions between the insurgents, the British, and the savages, in Ramsay's History of the American Revolution, vol. ii. c. xviii.

enemy could not oppose; and the troops being landed without resistance, were encamped at and near Crown Point.

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In this position, the general gave a war feast to the Indians, accompanied with an exhortation to abstain from cruelty, and issued a proclamation, somewhat pompous and florid, but in its general tenor sufficiently moderate. It displayed the motives by which Great Britain was impelled to take up arms, described, in animated terms, the tyranny, cruelty, and hypocrisy with which, under pretence of securing liberty, and promoting the cause of religion, the congress oppressed the people of America. It promised encouragement and employment to those who would arm in the British cause, protection to the domestic, industrious, infirm, and even to the timid, provided they would remain at home, and offer no impediment to the progress or supplies of the army; and engaged, that payment in solid coin, at an equitable rate, should be made for all provisions brought to the camp. The health, discipline, and valour of the troops were descanted on in boastful phrase; the celerity and certainty of destruction by the Indian forces were exhibited in a figurative style, analogous to their mode of oratory; and the vengeance of the state was denounced against those who, notwithstanding the conciliatory endeavours of the general, should still continue infected with the frenzy of hostility. "The messengers of justice, and of wrath," he said, "await them in the field; and devastation, famine, and every concomitant horror, that a reluctant, but indispensable prosecution of military duty must occasion, will bar the way to their return." As General Burgoyne's force consisted of British and German regiments, with light troops composed of Indians and Canadians, the object of this verbose proclamation was, at once to stimulate general exertion in a cause felt only by the British corps as a matter of national interest, and to alarm

War feast.

29th June. Proclamation.

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the enemy, on account of the probable consequences of an Indian attack, however restrained by the general's regulations, and the promises of their chiefs.

1777. Fortifications of Crown Point and Ticonderoga.

The Americans, since they had obtained possession of Ticonderoga and Crown Point, had increased the strength of the fortifications, and extended the means of defence by works on Mount Independence, which they had united to Ticonderoga by a strong bridge of twenty-two sunk piers. Had these fortifications been sufficiently manned, they could long have withstood all the efforts of the British army; but General St. Clair had only three thousand four hundred and forty-six Americans, including nine hundred militia, badly equipped and worse armed, for the defence of positions which required three times that number.

30th June. They are captured.

On his arrival at Crown Point, General Burgoyne issued orders to his army, in which he told them that the services required were critical and conspicuous; occasions might occur, in which nor difficulty, nor labour, nor life, were to be regarded, but the army must not retreat. His first object being the capture of Ticonderoga, in a few days he had nearly surrounded the works of that fortress, with the German regiments under General Reidesel, and those of Mount Independence with the British: while General Philips erected a battery on Sugar-loaf Hill, which in a great degree commanded both, though not nearer than sixteen hundred yards. The Americans, for want of numbers, had not been able to occupy this height. Thus circumstanced, St. Clair called a council of war; and his officers unanimously agreeing that their whole force could not, even if on constant duty, prevent the capture of the place, a retreat was effected by night toward Skenesborough, the baggage, provisions, and stores, being dispatched in batteaux. When the dawn enabled the British forces to discern this unexpected event, a pursuit was commenced; Commodore Lutwych removed some ponderous, but imperfect obstructions sunk in

5th July. Pursuit of the enemy. 6th.

the water; and Major Carter of the British artillery, with gun-boats manned as in the preceding year, overtook part of the vessels at Skenesborough, captured five, and obliged the Americans to destroy all their preparations at that place. General Burgoyne advanced with the main body to South Bay, which the enemy evacuated, setting fire to their mills, works, and storehouses.

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Brigadier-General Frazer, being detached to pursue the fugitives by land from Mount Independence, overtook their rear, consisting of fifteen hundred chosen troops, under the command of Colonel Francis, and commenced an engagement near Huberton, though greatly inferior in numbers: the arrival of some Germans under General Reidesel, who, by a feint, made his force seem greater than it really was, decided the day; the Americans precipitately fled; their commander, several other officers, and two hundred men were killed; a similar number captured, and six hundred are supposed to have died of their wounds undiscovered in the woods. Another division of the garrison was pursued by Colonel Hill, who routed them with great slaughter, compelling them to retreat to the heights of Fort Edward, after setting fire to Fort Anne. On the defeat of Colonel Francis, General St. Clair, after a fatiguing march, joined General Schuyler at Fort Edward, where the whole American force, including militia, did not exceed four thousand four hundred men [x]; and if the country, within a reasonable distance, could have been reckoned upon for the subsistence of an army, General Burgoyne might have followed his successes, and effectually prevented the formation of any American corps, to check the progress of his troops to New York, unless General Washington moved against him. But as the obtaining of necessaries could not be rendered certain, his sole dependence was on supplies of salt provisions from

7th. Action between General Frazer and Colonel Francis.

[x] St. Clair was tried by a court-martial for cowardice, incapacity, and treachery, in evacuating Ticonderoga, but honourably acquitted.

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England, brought through Canada, and over the lakes Champlain and George, with infinite labour.

1777. Delays and difficulties of Burgoyne's army.

Pursuing his route to Albany, by the road leading from Skenesborough to Hudson's river, General Burgoyne experienced inconceivable difficulties and delays. The distance was only a few miles; but nature and the efforts of the enemy had clogged it with accumulated obstacles. The Americans, under the direction of General Schuyler, felled large trees from a continued forest on both sides of the road, and into Wood Creek, so as to fall across with their branches interwoven. The face of the country being broken with creeks and marshes, they had no less than forty bridges to construct, one of which was over a morass, two miles in extent. This difficult march could not be avoided in passing from Skenesborough to Fort Edward. It was not possible to proceed by the side of lake George, (there being no road for thirty-six miles) and boats must have been drawn for the army over land by men, from Saw-mill Creek, on lake Champlain, into lake George, a distance of nearly two miles. This decided General Burgoyne to proceed in two columns, the troops in general passing by Skenesborough, while the small corps, for which boats could be got into lake George, took that route, covered by some artillery in gun-boats. The Americans had a force of that kind on the lake, but finding it insufficient for resistance, destroyed it as the British advanced.

14th to 29th July. The Americans recruit their army.

This slow progress afforded the Americans time to recruit their forces, and revive enthusiasm. The discomfited and retreating army was reduced to two thousand seven hundred men: but, placed between the inhabitants and the British general, they formed a point of rendezvous, and abated the panic of the people; their exertions verified the observation of General St. Clair on abandoning Ticonderoga, that he had lost a post, but saved a state.[y] General Burgoyne

[y] See his letter to congress, Remembrancer, vol. v. p. 357.

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having issued a proclamation, requiring deputations of ten persons from each township to attend him at Skenesborough, General Schuyler published a counter proclamation, reciting with exaggerations the violences committed by the British army in New Jersey, exhorting the people not to attend to the promises of the general, on pain of being considered traitors, and commanding the militia to join him without delay. These demands were more than complied with; an universal alacrity prevailed; the formalities of convening, draughting, and appointing officers were dispensed with; and numbers flocked in with their arms, on the mere persuasion of general danger. The employment of so large an Indian force, without letting them use their naturally cruel mode of warfare, and the consequent appearance of exaggeration in displaying its terrors, contributed to this effect in the minds of the Americans, while the Indians, deprived of plunder and scalps by General Burgoyne's injunctions, gradually deserted when no more presents were expected; and, as some were fifteen hundred miles distant from home, an early retreat was necessary to reach their residence before the upper lakes were frozen.

10th July. Proclamation by Burgoyne; and Schuyler.

The New England states being very populous, an army poured in from the woods and mountains as well as the towns, which, by reinforcements from other provinces, soon amounted to thirteen thousand men; inflamed by daily declamations against British and Indian cruelty [z], and animated with the hope that the

[z] The principle instance of Indian cruelty, and which was copiously descanted on both in America and England, was the story of Miss Macrea. This unfortunate event, divested of all rhetorical and party appendages, is thus related by Ramsay: (History of the American Revolution, v. ii. p. 37.) "This young lady in the innocence of youth, and bloom of beauty; the daughter of a steady loyalist, and engaged to be married to a British officer, was, on the very day of her intended nuptials, massacred by the savage auxiliaries attached to the British army. Mr. Jones, her lover, from an anxiety for her safety, engaged some Indians to remove her from among the Americans, and promised to reward the person who should bring her safe to him, with a barrel of rum. Two of the Indians who had conveyed her some distance on the way to her intended husband, disputed which of them should present her to Mr. Jones. Both were anxious for the reward. One of them killed her with

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royal army, by pushing forward through a country destitute of provisions, would, in the end, be incapable of advancing or retreating, for want of supplies.

Siege of Stanwix.

When General Burgoyne quitted Canada, Brigadier-general St. Ledger was detached with two hundred British, two hundred American loyalists, and a number of German chasseurs, to meet four hundred Indians, making up a force of about a thousand men. He proceeded by the river St. Laurence, and crossing lake Ontario, between Niagara and Oswego, invested Fort Stanwix with this force, and eight light field-pieces, not being able to carry a besieging artillery, and hoping to succeed by an assault, or through the terror occasioned by the Indians.

6th Aug.

A party of militia sent to raise the seige, under the command of General Harkimer, were defeated by the Indians in a very gallant action, but they lost a great many of their warriors, and the garrison, unawed by the failure of this attempt, and undaunted by insinuations of the ungovernable ferocity of the Indians, refused to surrender. Two enterprising officers, Lieutenant-colonel Willet, and Lieutenant Stockwell, passing by night, undiscovered, through the works of the besiegers, imparted to General Schuyler the situation of the fort. A body for its relief had already been dispatched under General Arnold; but before their arrival General St. Leger had relinquished the attempt. A person deputed from the garrison alarmed the Indians by accounts of the vast force which was coming to attack them; and made such a deep impression, that part of them decamped, and the rest threatened to follow, unless the British commander would retreat.

22d Aug.

Being thus deserted by a great part of his force, he was obliged to abandon his operations with such precipitancy, that the tents and considerable quantities of

his tomahawk, to prevent the other from receiving it. Burgoyne obliged the Indians to deliver up the murderer, and threatened to put him to death. His life was only spared upon the Indians agreeing to terms, which the general thought would be more efficacious than an execution, in preventing similar mischiefs."

stores fell into the hands of the garrison. The Indians, whose barbarities, which the severest injunctions could not restrain, and which were reported with malignant exaggerations, had been highly prejudicial to the British cause; finding themselves disappointed of other plunder, they now began pillaging the baggage and provisions of the British troops. Such was the termination of an enterprise from which General Burgoyne expected a diversion in the first instance of the enemy's force, and finally an addition to his own by a junction with General St. Leger, at the point where the Mohawk river falls into the Hudson's, between Saratoga and Albany.

Expedition to Bennington.

During this attempt upon Fort Stanwix, General Burgoyne conceived that a rapid move forward would be productive of great advantages; but the difficulty of ensuring provisions, and the want of ox-teams, carriages, and other necessaries, making that a most hazardous undertaking, he was induced to send a party for the purpose of obtaining a supply from the enemy's stores near Bennington. Deluded by erroneous statements of the amicable dispositions of the country, he detached a force consisting of only six hundred men. The Germans were selected for this purpose, as the country was equally favourable for their employment in this as any other detached operation from the main force, and General Reidesel's own dismounted regiment of dragoons formed a part of the force in order to procure horses, as General Burgoyne had no other cavalry. The whole was commanded by Colonel Baum. On the second day of his march, after obtaining some slight successes, he was informed that the enemy were assembling in great force from New Hampshire and the borders of Connecticut, for the defence of Bennington. He therefore halted at Walloon Creek, and after taking the best position in his power at St. Creik's Mills near Bennington, dispatched a messenger to apprize General Burgoyne of his situation. A body of five hundred German grenadiers and light infantry was

Defeat of Colonel Baum.

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sent to his succour, under Lieutenant Colonel Breyman; but owing to bad roads, and other impediments, this corps did not advance twenty-five miles in thirty hours; and before their arrival, Starke, an American general, who was proceeding with troops from New Hampshire and Massachuset's Bay, to reinforce General Schuyler, deviating from his route, joined Colonel Warner at Bennington. Colonel Baum, attacked by their united forces, made a vigorous defence, endured a galling fire of musketry for near an hour, and three times drove the enemy from commanding ground; but their numbers continually augmenting, and the Colonel's force being decreased by the desertion of the Indians and other irregular corps, the Germans were at length broke and driven into the woods, leaving their commander mortally wounded on the field. The victors immediately advanced to the attack of Colonel Breyman, who expended all his ammunition in a gallant resistance, and was then compelled to seek safety by retreating to the main army, which advanced to receive him at Batten Hill. The loss in these two actions was six hundred men. The misfortune was principally owing to the accidental passing of General Starke's corps, and the difficulties which prevented Breyman from reaching Baum before he was attacked, by which they were defeated separately. It has been objected to General Burgoyne that he sent German regiments on this business. That their close formation unfitted them for wood fighting, and that their being heavily armed incapacitated them for rapid movements, are unquestionable truths; but the Germans formed half the army, and were growing jealous at not being confided in for detached duties. Their dragoons were sent from England to mount themselves for service, from which it appears that they were originally selected to act in the most woody part of the country; though their services were on this occasion unfortunately misapplied by the general. Necessity probably occasioned the whole disaster. Ministers could dispatch no other troops but Germans, and

and Breyman.

General Burgoyne was compelled to employ them; but an army composed of different nations and interests, could not be relied on for exertions in proportion to its numbers.

Effects of these disasters.

This misfortune, and the failure of General St. Leger's operations, formed the leading features in the ruin of General Burgoyne's expedition, and he heard of both nearly at the same time. The expedition against Bennington proved that the Brunswickers could not well be employed separately, and the Americans felt less apprehension at that superiority of discipline which in an open country would have given the Germans a decided advantage. A party of American loyalists, on their way to join General Burgoyne, attached themselves to Colonel Baum's corps, and were destroyed with it, which prevented, in a great measure, similar attempts to join the royal army. The Canadians and Indians who effected their retreat from Baum and Breyman's corps, detailed with exaggeration the valour of the Americans who had driven them back, and dispirited their countrymen who had not been in action, so that a very extensive defection took place among the Indians, and the Canadian boatmen and drivers employed with the army took every opportunity to return home, although it was known that many were killed by the Indian deserters, who thus obtained a scalp to exhibit as a trophy.[a]

Gates commands the Americans.

The Americans, on the other hand, unused to success for a long period, felt its full force, and flocked to the standard of General Gates, whom congress had appointed to arrest the progress of the British and German forces.

[a] The manner of obtaining these barbarous trophies is no object of consideration among the Indians, cunning being as much respected as valour by a people whose subsistence depends principally upon hunting. For this reason the rewards which Burgoyne gave to the Indians for living prisoners bore no estimation in comparison with their scalps, and great disgust was occasioned by restricting them in this point; at least it was made a strong ground for quitting him; so that while he was abused by the Americans for cruelty, the Indians deserted him for the want of it, and thus he suffered the usual inconvenience which attends half measures.

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1777. Burgoyne crosses Hudson's river.

General Burgoyne, who had crossed the Hudson's river, by a bridge formed of felled trees, cut in lengths and fastened together, fell back upon Duer's House, to cover the convoy of provisions from Canada, and having no other resource in contemplation, except the co-operation of General Howe's army, sent an officer to Albany for intelligence.

13th Sept. Advances to Saratoga.

Having by immense labour collected a month's salt provisions, General Burgoyne, under all these discouragements, determined to advance, according to instructions, which he conceived to be so peremptory, and connected with the general operations of the King's forces in America, that he did not even attempt to shelter himself under the opinion of a council of war, but again crossed the Hudson's, and took post on the heights of Saratoga, giving up all communications with his magazines in Canada.

19th. Battle of Still Water.

After passing some days in repairing roads, or approaching the American forces, General Burgoyne's army again advanced in several columns, the grenadiers, light infantry, ninth, twentieth, twenty-first, twenty-fourth, and sixty-second British regiments on the right, with their artillery, taking two roads on the heights, and through the woods, to Freeman's farm. The German regiments of Rhetz, Specht, Reidesel, and Hesse Hanau, infantry, with Breyman's grenadiers and chasseurs, and part of the forty-seventh British regiment, followed the great route to Albany by the river side, for the security of the baggage and provisions, floated down in boats, or drawn in carriages on this, the only good road.

Of the five hundred Indians originally with the army, not more than fifty now remained, who were attached to the British column on the right, with two hundred American loyalists, and eighty Canadian light infantry.

About noon, the Americans, under General Arnold, who, the preceding day, had fired upon some strag-

glers, attacked the British corps with great spirit, and a severe conflict continued until dusk, when Philips, who commanded the left column, brought up the Germans to join in a general charge, which was completely successful, the Americans being driven within their lines. This advantage was, however, dearly purchased, most of the artillery men were killed at their guns, and the sixty-second regiment lost more than two-thirds of its effective soldiers; the other British corps also suffered in a great proportion, and in the course of this day, General Burgoyne's force sustained a loss of more than six hundred men.

The Americans certainly lost an equal number, but they had now tried their strength with every nation opposed to them, and the halt which General Burgoyne was obliged to make for the collection and care of his wounded, produced the effect of a defeat, and encouraged a spirit of enthusiasm throughout the New England states, which General Gates soon felt by reinforcements of every description, many persons even bringing their own provisions, as well as ammunition to his army.

18th Sept. The Americans destroyed the transports.

A further misfortune had befallen General Burgoyne, on the day preceding this action, the Americans having secretly detached a corps to his rear, surprised three companies of the fifty-third regiment, and destroyed the boats on lake George, which had been employed in the conveyance of provisions; and though unequal in numbers, and wanting artillery for the capture of Ticonderoga, an attempt was made upon it, as well as Diamond Island, in the middle of the lake, where there was a depôt of stores for the British army.

Thus, in fact, was the retreat of General Burgoyne effectually prevented; and with a superior army in his front, he judged it prudent to wait events and intelligence from the southward, strengthening the position which he had taken after the action of the 19th of September, between Freeman's Farm and Still Water.

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1777. 3d Oct. Increasing difficulties of Burgoyne.

Finding his difficulties daily augmenting, his numbers diminished to less than six thousand, and reduced to half the usual allowance of provisions, the forage exhausted, horses perishing for want, and no apparent prospect of relief, General Burgoyne resolved on a desperate attempt to dislodge the enemy from their post on the left. In order to cannonade them out of their position, he advanced with fifteen hundred men; but this detachment had scarcely formed within half a mile of the enemy's intrenchments, when they were suddenly attacked by a superior force under General Arnold, and obliged to retreat to their camp with the loss of six pieces of cannon. They had hardly gained the lines, when a furious assault was made on them by the Americans, which was repulsed in the English quarter, and Arnold wounded; but the German intrenchments were carried, Colonel Breyman killed, about two hundred prisoners taken, and General Frazer mortally wounded.

7th Oct. His attempt to extricate himself.

His lines attacked.

Changes his position.

Thus critically situated, General Burgoyne changed his position, with great ability and celerity, in the night after the action; the enemy consequently made a new disposition, but although greatly superior in numbers, and elated with success, prudently declined an engagement, in hopes of surrounding the British army. General Burgoyne, perceiving this intention, fell back in two day's march by Dovegot House to Saratoga, unopposed by the enemy, breaking the roads and bridges in his retreat. Being unable to remove the wounded, who were very numerous, for want of carriages, he left them in tents, under the care of Dr. Hayes, as head of the medical department, with assistants equally well chosen, and orders to send out a flag of truce, conveying a recommendation of them to the humanity of General Gates and his army, in which General Burgoyne's expectations were perfectly realized. Thus disembarrassed, he halted at Saratoga; precluded from a retreat to lake George, or Skenesborough, by a corps of Americans, collected in force on the oppo-

8th Oct. Falls back to Saratoga.

site side of Hudson's river, which equally prevented a measure once contemplated, of retiring in the night to Fort Edward, to wait events. This march was in some measure arranged, each soldier being directed to carry a few days provisions on his back, but it was afterward given up, when it was discovered that the heights of Fort Edward, and all other communications with Canada, were occupied by the Americans, and that, even in the event of successfully reaching Fort George, the army must surrender for want of provisions, beside which the boats which would enable the army to cross the lake, had been destroyed by the enemy in their expedition on the 18th of September.

CHAP. XXXI. 1777.

Enfeebled by daily losses, his provisions reduced to eight days subsistence, and numbers of his German soldiers being enticed to desert and become settlers, General Burgoyne called a council of war, at which, not only field officers, but captains assisted; and it was unanimously resolved to enter into a convention with General Gates for surrender of the army. The convention, after some discussions, was adjusted, and considering the increasing force and advantageous situation of the Americans, the terms were unexceptionable. The troops were to march out of their intrenchments with the honours of war to a certain distance, where they were to leave their arms and artillery: they were to have a free passage to Great Britain in transports from Boston, on condition of not serving in America again during the war, unless exchanged. The remaining articles related only to the march of the troops to New England, the return of the Canadians to their homes, and the treatment of the other officers and soldiers, until embarked for Europe.[b]

13th Oct. Calls a council of war.

Arranges a convention.

16th Oct.

[b] Burgoyne insisted on the word convention, instead of capitulation, being used, in order to assimilate it to the treaty of Closterseven, in the seven years war (1756 to 1763,) entered into by the Duke of Cumberland with a view to saving the disgrace of a common surrender, and by preventing all idea of the troops being prisoners to any power which might afterwards join the Americans, he hoped to get them employed, so as to enable Great Britain to send an equal number of men to America in the spring.

CHAP. XXXI.

1777. Moderation of Gates. Surrender of the British army.

General Gates having every thing to hope from his present success, and from speedily reinforcing General Washington's army, suffered his original draft of articles to be modified, so as to prevent a further effusion of blood, and spare as much as possible the feelings of the British troops. At the moment of this surrender, every circumstance was avoided which could be construed into an appearance of triumph. The Americans remained in their lines till the vanquished regiments had piled their arms: the captive generals were received with respect and kindness; a number of the principal officers of both armies met at General Gates's quarters, and seemed to forget in social and convivial pleasures that they had been enemies. The soldiers received rations of fresh provisions from the American commissaries, and proceeded instantly on their march to Boston, having no communication with the American troops, for fear of disputes.[c]

Proceeding of Clinton.

Numerous complaints and contradictory allegations and inferences, necessarily arose from the conduct and issue of this affair. A co-operation was expected from Sir William Howe, which he was unable to effect in consequence of his march to Philadelphia. Sir Henry Clinton was afterward solicited to assist, but no blame attaches to him. This general was stationed at New York with a small force, limited, in consequence of a misunderstanding between him and General Howe, to a bare sufficiency for defence, and under an express prohibition to undertake any operation which could endanger the city. He received, at a late season, a reinforcement of seventeen hundred recruits from Europe, which enabled him to commence an expedition,

Sept. Expedition up the North river.

[c] The number of men surrendered was 5,752, of whom 1,1000, being Canadian volunteers, were by the articles permitted to return: 528 were left in the hospital when Burgoyne began his retreat to Saratoga; and it is computed that in the other actions, from the 6th of July to the time of capitulation, the loss in killed, wounded, prisoners, and deserters, was 2,933. The artillery and stores captured consisted of 35 brass cannons and mortars, and 7,000 stand of arms, besides the military chest, large quantities of ordnance stores, cloathing for 7,000 provincials, tents and other articles. The papers laid before parliament illustrative of this campaign, in all its parts, are published in the Parliamentary Register.

tion up the North river, for the purpose of conquering some forts which prevented the passage of British vessels to Albany, and of opening a communication with General Burgoyne, when he should have succeeded in his enterprize, of which at that period he had not intimated a doubt.

Takes Forts Clinton and Montgomery.

Three thousand men were convoyed by Commodore Hotham to Verplank's Point, which Lord Rawdon, aid-de-camp to Sir Henry Clinton, had been dispatched to reconnoitre in a frigate, but had not been able to approach sufficiently near to ascertain the practicability of landing. The disembarkation was effected without resistance; and General Putnam, deceived by the feint, hastened to occupy the passes on the eastern shore, with two thousand men, drawn principally from the forts, convinced that Clinton intended pushing through the eastern highlands to join General Burgoyne. The British commander, at day-break, passed over to Stoney Point, on the west side of the river, with two thousand one hundred men, leaving the remainder to defend Verplanks. They marched across the Donerberg, a steep mountain which overhangs the river, and where, as the pass only admitted three men abreast, a small guard could have impeded their progress. The Americans had neglected this precaution from a confidence that no attempt would be made; the troops passed, and assailed at the same moment Fort Montgomery and Fort Clinton, divided from each other only by a creek called Poplop's Kill. Colonel Campbell commanded the attack on Fort Montgomery, which, not being strongly fortified, was soon taken without any loss worthy of notice, except that of the brave leader of the division.

5th Oct.

Fort Clinton was built on a rocky elevation, and could be approached only over a pass, between a lake and a precipice, covered with felled trees, and commanded by ten pieces of artillery. It was necessary to attack both the forts nearly at the same time, and to delay the attack on Fort Clinton till the engagement

CHAP. XXXI. 1777.

at Fort Montgomery should be judged to have become serious. Night rendered the movement of the troops less exposed, and they proceeded in total silence, under a tremendous fire, to the foot of the work, where they pushed each other up into the embrasures. After a short conflict the rampart was cleared; the Americans, retiring behind the esplanade, fired a last volley, and laid down their arms. Notwithstanding this provocation, the assailants shewed a dignified moderation in victory; not a man was slain but those who fell in the struggle on the ramparts. One hundred and forty British troops were killed and wounded; among the former were Captain Stewart, Major Skill, and Count Grabowsky, a Polish volunteer, who in his last moments sent his sword to Lord Rawdon, as a testimony that he died in a manner not unworthy the partner of his dangers.

The Americans burn their fleet.

The Americans had in the river an armed force, consisting of two ships, two gallies, and a sloop, for the protection of which a massy boom, consisting of huge rafts of timber, connected by cables, and an iron chain weighing upward of fifty tons, were stretched across the river from Fort Montgomery, to a mount called St. Anthony's Nose. This bulwark effectually secured the ships from attack by water; but when the forts were taken, their safety was at an end. The captains silently slipped their cables in the dark; but the wind frustrating their attempt to escape, they fired the vessels with all their sails set.

Various detached expeditions.

Fort Constitution was, immediately on the capture of Forts Montgomery and Clinton, destroyed by its commandant; and Major-General Tryon demolished a new settlement called Continental Village containing barracks for fifteen hundred men. A flying squadron under Sir James Wallace, ascending the river, succeeded in burning a great number of American vessels. A military detachment, under General Vaughan, landed at Esopus Creek, and after a slight resistance destroyed two batteries and an armed

30th Oct. Burning of Esopus.

galley; the general then continued his march to the town, which he wantonly burned to ashes, with a great collection of stores and provisions. This expedition did important injury to the American interest: the troops returned in safety to New York. CHAP. XXXI. 1777.

When Sir Henry Clinton was commencing this spirited undertaking, he wrote to General Howe, imparting his intentions, with his notions of their importance, but without disguising his opinion that the attempt on the forts was desperate, though it might be tried without endangering New York. Sir William Howe, alarmed at the vigour displayed by General Washington in the attack on German Town, discouraged Clinton's project, and ordered him, unless speedy success was certain, to desist, and dispatch the troops intended to be so employed to his assistance at Philadelphia. This letter, had it been received in time, would have prevented the execution of General Clinton's plan. When he had taken the two forts, he was a hundred and thirty-six miles distant from General Burgoyne: he had, soon after his departure from New York, received a letter, requesting him to make a diversion, which the operation he was then engaged in was well calculated to effect; but Burgoyne having yet met with no check, did not solicit aid. The day after the capture of the forts, an officer in disguise arrived; but he only represented, that if General Burgoyne did not hear of co-operation by the tenth of October, he should be obliged, by the fear of wanting provisions, to retire to Fort Edward. General Clinton would then have advanced to his relief, but found it impracticable to remove the impediments in the river, and secure the requisite store of provisions within the time. He had already commissioned General Vaughan to proceed with seventeen hundred men as high as his pilots could carry him, to co-operate with General Burgoyne, and even join him if necessary. General Vaughan had advanced a hundred miles; he was still forty distant from Albany, and must have traversed sixty more to

Howe's orders.

Clinton's intelligence from Burgoyne.

6th Oct.

CHAP. XXXI. 1777.

reach Burgoyne; but soon after the destruction of Esopus, he wrote to Sir Henry Clinton, that he could obtain no certain intelligence, although what he did learn filled him with apprehensions. General Burgoyne's surrender had then already taken place. Had Sir Henry Clinton endeavoured to move forward, General Putnam was in sufficient force to frustrate the attempt, and General Gates's army, flushed with success, had no immediate operation to occupy them after General Burgoyne's surrender. He therefore executed all that was possible, according to the state of his information, and the extent of his force, in making the diversion, which he expected would have covered the general's retreat to Ticonderoga; but he could not take the forts, penetrate to Albany, and afterward maintain the communication; and General Burgoyne's want of provisions, must have obliged him to surrender without a force sufficient to open the country for supplies. [d]

9th.

[d] In this chapter, besides the papers published by authority of parliament, the histories, and the periodical works, I have consulted the pamphlets of Sir William Howe, General Burgoyne, Mr. Galloway, and many anonymous writers, and have been assisted by highly valuable private information.

APPENDIX.

PRECIS of Letters relative to the Interference of France between Russia and the Porte.

Lord Stormont, Embassador at Paris, to the Secretary of State.

March, 1773.

His long conversation with Duc D'Aiguillon on Tuesday 30th March. The Duke read to him part of a dispatch from M. Durand, dated 3d March, dwelt long on the ambitious views of Russia, her demands on the Porte, and her aiming to reign despotically in the North by regulating the government of Sweden, and by attacking that kingdom in concert with Denmark — that France could not tamely look on, and see her most ancient ally treated in that manner. Must support Sweden, if attacked, being bound thereto by every tie of interest and honour. Lord Stormont answered, that much depended on the mode of supporting Sweden, and that there was one particular mode Great Britain could not receive with indifference — that the King wished to avoid whatever could disturb the good harmony, and his lordship hoped France would avoid the only *pierre d'achoppement* in the way. The Duke said we always backed our friendly professions with a declaration which insisted on France giving up her honour, by abandoning her old ally threatened with destruction, and that France could not do that. On Lord Stormont's perceiving that the Duke seemed to hope we would not carry things to extremity, his lordship explained fully and clearly, that a French fleet in the Baltic must draw a British one thither too —— proposed that France might give other succours — that if the two fleets went to the Baltic, the French fleet would be, in effect, no succour to Sweden. That neutrality on both sides would answer the same purpose. No, says the Duke, it will not

answer one great purpose, (viz.) the saving the honour of France. Lord Stormont fully explained that he had never said that the British fleet that would follow the French fleet would attack it, but could not say what accidents would happen from two fleets in the same seas — thought he left the Duke thoroughly persuaded of our being resolved on what we had often declared, but he feared France was gone too far to recede. If they see us upon our guard, and either keep pace or get before them, will operate more strongly than any declaration.

(Private) Paris, 4th April.

A council had been held at Versailles 28th March, in which the Duke declared that Sweden demanded and pressed for the promised succours; he was answered, that he might arrange matters with the comptrollers general: he replied, that Sweden would not accept a subsidy, but insisted on a *secours de force*. This was strongly objected to by some members, who were of opinion that other great powers would not look on such a step with indifference, and it might lead to a general war. The Duke persisted in his opinion, said, that a fleet of fourteen sail might be equipped in a month; that England would not oppose that step, and Holland would assist. The French King was out of humour, and the members, after declaring their sentiments, said no more. — Duke's opinion prevailed, and orders were sent immediately to Brest, for arming twelve ships of the line and two frigates, on board which were to be seven thousand sailors. This was so much above the usual complement, that it was supposed to include officers and soldiers under the name of sailors. He was informed early that morning, the 4th of April, that the armament at Brest would not take place, but that an armament was ordered immediately at Toulon, for twelve or thirteen ships, capable of being ready very soon, under pretence of exercising the sailors. His informer expressly added, that the seven thousand sailors at Brest were not countermanded.

(Private.)

Paris, 7th April, 1772.

Duke, in the conference of the sixth instant, said, that Lord Stormont might consider the armament at Toulon as certain, and mention it as such to his court, that orders were actually sent; and then added, *ce sera une flotte d'evolution*,

come nous en avons eu l'année passée. Long reasonings on both sides — Lord Stormont, with a proper firmness, declared, that though he had not in the former discourse mentioned the Mediterranean, yet the argument he had before made use of, applied full as strongly to the Mediterranean as to the Baltic, and on asking the Duke if he seriously meant, that he should say the fleet was only meant for evolutions, he replied that he meant it, but that it was indeed possible, *qu'elle passeroit au secours de la Suede.*

(Private.)

Paris, 21st April, 1773.

Lord Stormont had heard that in a council held the 12th of April, the Duke had given a candid and fair report of their conversations, and that the resolution of the council was unanimous, by which he hoped it was a moderate one. That towards the end of the week, which must be about the 15th or 16th, it was reported about Paris, that the armament at Toulon was suspended or considerably reduced — this was confirmed on the Sunday evening the eighteenth. On the 20th he saw the Duke, who said, in a careless manner, *aussi avons nous donné ordre de suspendre l'armement de Toulon;* he then said, that two frigates only would be sent to the Archipelago, and three ships of the line to Brest, to which department they belonged. The other nine ships and the frigates destined for the *flotte d'evolution* would be suspended till the latter end of the summer, when he hoped the fitting of it out would cause no sensation; that M. de Guines had orders to give this intelligence. He added, that the sailors that were to have been raised and sent to Toulon, were countermanded: that those actually arrived there, belonging to Provence and Languedoc, were ordered back; those from Bourdeaux would be employed to navigate the three ships from Brest. On the same day he told some of the foreign ministers, that the armament was suspended till July.

27th April, 1773.

Lord Stormont had a conference with the Duke on the 26th April; begun by saying, — so my Lord, you are, I find, making a considerable armament. His lordship answered, that that armament had been ordered in consequence of the armament at Toulon, *et que leurs demarches regleroi-*

ent les notres ; this was thrown out in order to give him a reasonable expectation, that the late change in their resolutions might produce a similar one in ours. Lord Stormont submits whether it may not be advisable, as they seem disposed gently to drop the design, to let them do it in their own way.

Paris, 30th April and 1st May 1773.

Had a conference with the Duke, 30th April, to clear up the *mal entendu.* The result was, the Duke still declared that the armament was suspended; that what he had said, and what Count de Guines had written, was in effect the same. That as they never armed any ship in the harbour, the saying that their ships would remain in the harbour, was saying that they would not be armed. — He added, that he had seen the orders given by M. de Boyne, which were explicit, not to arm *jusqu' à nouvel ordre ;* repeated what he had said on the 20th April, about the destination of the sailors, and added, that that very day (30th April) M. de Boyne had observed to him, that it might be better to countermand the baking of the biscuit, and meant to give orders accordingly.

END OF THE SECOND VOLUME.

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